

Pine Orchard Association

Town Charter

POA Board
3-1-1914

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Revisions Log

Revision Date	Description	Author
Oct. 4, 2017	Convert to MS Word	Peter Robinson
July 7, 2018	Removal of unapproved language within section 6	Peter Robinson

Section 1. The Pine Orchard Association

All the proprietors of real estate within the limits hereinafter specified in the locality known as Pine Orchard, in the town of Branford, New Haven county, are constituted a body corporate by the name of The Pine Orchard 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 therefore, negotiable or nonnegotiable, payable at such times and at such annual rate of interest not exceeding six per centum, payable annually or semiannually, as it shall determine, and if it desires to redeem said bonds or other obligations, by the issue of new bonds or other obligations, negotiable or nonnegotiable, 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 five per centum 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; and also of purchasing or otherwise acquiring, improving, holding and conveying any estate, real or personal. Said association may take 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 protection or for the purpose of establishing, constructing or maintaining sewers or sewage disposal plants, upon paying to the owner thereof just compensation. If said association fails to agree with said owner upon the amount of compensation to be paid therefore, 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 the general statutes for the taking of land by towns. Said association shall pay the members of the committee (mentioned in said section 2) 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. Town Mission statement

The object of this Association is to provide for the improvement of the lands in said district, and for the health, comfort, protection and convenience of persons living therein.

Section 3. Town Boundaries

The limits and territory of said The Pine Orchard Association are hereby defined and established as follows: Beginning on the north shore of Long Island Sound on the east side of Long Marsh, west of Point Pleasant and running northerly along the easterly side of Long Marsh, crossing the tracks of the New York, New Haven and Hartford Railroad Company, to the Point Pleasant road; thence running northwesterly along the center of the Point Pleasant road; to the railroad belonging to L. A. Fisk which runs from the platform of the New York, New Haven and Hartford Railroad Company to the Branford driving park; thence running northerly along the center of said railroad of L. A. Fisk about eight hundred and fifty feet; thence running westerly to a turn in the Point Pleasant road; thence continuing westerly along the center of the Point Pleasant road to the Totoket road; thence running northerly along the center of the Totoket road to the Stony Creek road; thence running northwesterly along the center of the Stony Creek road about fourteen hundred feet to a right of way to the land belonging to A. M. Young, to the west line of the land of A. M. Young; thence running southerly along the west line of the land of A. M. Young to the land of the New York, New Haven and Hartford Railroad Company; thence westerly along the land of the New York, New Haven and Hartford Railroad Company to the center of the highway leading to Branford center; thence running southeasterly along the center of said highway to the westerly line of the land on the southerly side of said road belonging to A. M. Young; thence southerly along the westerly line of said land belonging to A. M. Young to Long Island Sound; thence

along the northerly shore of Long Island Sound to the place of beginning. The islands in Long Island Sound situated within one-third of a mile of the above described territory and due south from it are included in said The Pine Orchard Association. The above described land is shown on a map entitled "Map showing the proposed boundary line of The Pine Orchard Association, Branford, Corm., September 1902. A. William Sperry, Engineer, scale 833 feet to the inch," and on file in the office of the town clerk of Branford, Connecticut.

Section 4. POA Voting Rights

Every member of the association of the age of EIGHTEEN YEARS or over so long as he or she continues to own real estate within the limits of said association, shall be entitled to vote at any meeting of said association. If any owner of record is under the legal voting age, his natural guardian or other legal representative of voting age may be entitled to vote in his behalf at any meeting and to hold any office in said association. If any owner of record is a corporation, it shall be entitled to one vote at any meeting to be cast only by a person of legal voting age duly authorized, in writing, and only a duly elected or appointed officer of such corporate member shall be eligible to hold any office in the community association, provided not more than one such representative of a corporate member shall be eligible to be a member of the executive board of said association. All owners of record of fractional or undivided interests in any land shall be entitled collectively to one vote at any meeting to be cast as the majority in interest shall determine, and each such owner shall be eligible to hold any office in said association, provided, not more than one of such owners of fractional or undivided interest in any land shall be eligible to be a member of the executive board of the association. If any husband or wife of any owner of record is of legal voting age, such person shall be eligible to one vote in behalf of such spouse at any meeting and shall be eligible to hold any office in the said association, provided, not more than one of such spouses shall be eligible to be a member of the executive board of the association. No member shall have more than one vote.

Section 5. Executive Board

The first meeting of the members of said association shall be held in July or August 1903, at such time and place, within the limits of said The Pine Orchard Association, as the following persons, or most them, shall appoint: Alden M. Young, Henry C. Rowe, Samuel E. Dibble, William S. Wells, Franklin H. Hart, B. D. Rising, William R. Shaffer, Reverend W. W. McLane, F. W. Miner, Minotte E. Chatfield and George B. Lamb. Said meeting shall be held for electing an executive board to consist of twelve members of The Pine Orchard Association, as provided in section 4, who shall hold office until the first day of October 1904, 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 of the above-named persons and shall be sent by mail to each member of the association at least five days before the time appointed for said meeting. Said executive board shall be elected by ballot. Annual meetings of the association shall be held on the Monday after the first Wednesday in July at such hour and place within said district as the executive board shall select. Four members of said board shall be elected to serve for a period of three years, four shall be elected to serve for a period of two years and four shall be elected to serve for a period of one year. At every annual meeting thereafter, the successors to the members of the board of directors whose terms expire that year shall be elected to serve for a period of three years each. Any member of said board who ceases to have membership in the association within the meaning of this act shall automatically cease to be a member of the board of directors. Special meetings of said association may be held and warned in such manner as the by-laws may prescribe; provided, that the notice shall specify the object for which any such meeting is to be held. Not less than twelve of the members of the association shall constitute a quorum for the transaction of business at any regular or special meeting.

Section 6. POA Meeting Notices

Notices of the annual and of all special meetings of the association shall be signed by the president or by the vice-president or by two other members of the executive board, and may be given by mail or personally. In case they are given by mail, written notice of the time and place of such meetings shall be sent at least three days before the time appointed, by letter mailed in New Haven County and addressed to each member of said association, at Pine Orchard, or at such address, if any, as may have been registered by such voter with the clerk of the association. If no such address be registered with said clerk, it shall be conclusive evidence that the mailing to such member at Pine Orchard, of any notice called for or given under or by virtue of the charter or by-laws of The Pine Orchard Association, shall be a sufficient delivery of such notice. Personal notice may be given by leaving with such member a written notice of the time and place of meeting, at least three days before the time appointed.

Section 7. POA Annual Meeting

The executive board of said association shall hold its first regular meeting in each year, without notice, immediately at the close of the annual meeting of the association. Said board shall, at said meeting elect by ballot from its members, a president, one or more vice presidents, a treasurer and a clerk of said association, who shall hold office until the next annual meeting of the executive board and until their successors shall have been elected, and they shall also be president, vice presidents, treasurer and clerk of said executive board. The duties of each of these officers shall be as defined by the by-laws of said association. In case of the death, resignation or failure to act of any member of the executive board or of any officer of the association, a vacancy may be declared by vote of the executive board and such vacancy may be filled for the unexpired portion of the term by vote of the executive board at a meeting duly called for that purpose. The president or clerk, on the written request of any four members of said board, shall call a meeting of said board. Notices of meetings of said board, other than the annual organization meeting, shall be given by leaving with or at the usual place of abode of each member a written notice 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.

Section 8. POA Stewardship

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 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 act; also to regulate the method of assessment and collection of taxes for association purposes; and also to prescribe the duties and compensation of all officers and employees of the association. The president, vice-president, clerk and treasurer shall serve without compensation, except that they shall receive their actual expenses; but the executive board may authorize the clerk and treasurer or either of them, to employ assistants, to whom compensation may be paid. The amount thereof shall be determined by the executive board.

Section 9. Pine Orchard Infrastructure Maintenance

Said executive board shall possess power, when so legally assembled, to pass, amend, or repeal by-laws, regulations and ordinances to accomplish the objects specified in section two of this resolution, and particularly for the purchase and maintenance of a fire department and fire apparatus and for the establishment of wells or cisterns, and water-works for use in case of fire or for domestic use, and to

make rules for their preservation and safe keeping, to regulate the erection of all lamp posts and telegraph, telephone and electric light posts and the wires and fixtures thereof; to provide for the public lighting and watering of the streets within the limits of said association; to regulate the planting, removal, protection and preservation of trees in the streets; to keep the streets and all public places within the limits of said association quiet and free 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; to regulate and prohibit the running of animals at large within 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 methods of discharge of the same; to regulate and prevent the use of pig pens and the deposit of rubbish within the limits of said association; to compel the removal from any place in 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 and manner of removal of any offensive manure, swill, nightsoil, 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 public streets; to establish building lines and regulate the construction of buildings; and said executive board may also prescribe fines and penalties for a violation of any such bylaws, ordinances or regulations, not exceeding ten dollars for any one offense, and the penalties may be recovered, in any proper action brought for that purpose in the name of The Pine Orchard Association before any court having jurisdiction, for the use and benefit of said association; and the violation of any such by-law or ordinance imposing a fine shall be a misdemeanor, and may be prosecuted by a grand juror or prosecuting attorney of the town of Branford, as in other criminal cases.

Section 10. Maintenance of Public and Private Thoroughfare

Said executive board 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 said land, of the kind, in the manner, and in the time specified in said order, at such grade as may have been established in said highway. Notice of such order shall be signed and served in the same manner as prescribed for notices of 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 expenses 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 said order to be done and the expense so incurred shall, from the time when said work is begun, be and continue a lien in favor of said association upon said land, and may be collected by suit or foreclosure in the name of said association. Said board may pass by-laws in relation to the keeping of said sidewalks free from obstructions, to be enforced in the same manner as provided in section nine.

Section 11. Boundaries and Property Lines

Said executive board, before establishing any building line, shall cause notice thereof, and of the time set for a hearing thereon, to be signed and served in the manner prescribed for notices of meetings 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 said 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, said excess of benefits over damages shall be paid by said land owner to said association. The amount of said

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 upon said owners in the manner heretofore required.

Section 12. POA Imposed Financial Burden and Remedy

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 sections 1956, 1957, 1958 and 1959 of the general statutes, and with like effect.

Section 13. Infectious or Contagious Disease

Said executive board shall 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 shall 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 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, there to remain until examined or inspected by the health officer of the town of Branford and until such order be revoked by said Branford 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 Branford 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 the 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 persons 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 person, 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.

Section 14. Policing of POA

Said executive board may appoint 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.

Section 15. Public Signpost

Said executive board shall establish a public signpost within the limits of said The Pine Orchard Association, and may make, establish, and adopt forms of orders and notices to be used under this resolution.

Section 16. Posting of POA Notices

No by-law or ordinance shall take effect or be enforced until the same has been posted for 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 said association of the due posting of any by-law or ordinance shall be prima facie evidence of such posting.

Section 17. Borrowing Limits

Said executive board shall not, within any year, incur any pecuniary liability exceeding in amount seven mills on the dollar of the assessed value of the real estate within said The Pine Orchard Association as appears by the assessment list hereinafter provided for. Nothing contained in this section shall prevent said association from borrowing money and issuing bonds or other obligations, as set forth in section 1 of said act approved May 16, 1917.

Section 18. Annual Assessment

It shall be the duty of the clerk of said board, on or before the first day of June of each year, to prepare an assessment list of all the real estate in said district, including therein the value of houses, buildings and improvements thereon, placing in the name of each member of the association such lands, buildings and improvements as are assessed to such member on the last assessment list of the town of Branford, at the value at which they stand assessed on said 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 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. Said clerk shall, on or before the fifth day of June, report said list to the executive board, which shall revise said list, and if said board shall find that in any particular case, 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 Pine Orchard Association, said board shall correct the same, and said list, when so revised and if necessary corrected, shall be adopted by said executive board and shall then be and constitute the assessment list for said The Pine Orchard Association. Said list shall be so revised and completed and recorded by the clerk in the books of the association, on or before the fifth day of July, and said assessment list shall be open to inspection by any member of the association.

Section 19. Appeal Procedure to Town and/or State

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 relief.

Section 20. Taxation

The executive board, on or before the fifteenth day of July, annually, may lay a tax, for the purposes specified in said charter of not exceeding seven mills on the dollar of the total value of the real estate as shown by the assessment list provided for in said charter, and shall appoint a collector to collect such tax. 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 the general statutes; but real estate within the limits of said association situated north of the line of the Shore Line railroad, also known as the World's End and Long Marsh Meadows and the islands in said association, shall not be assessed except for sanitary purposes. Members of the association who are assessed only for sanitary purposes shall not be eligible to vote on any question which involves the taxation or expenditure of association funds for

any purpose other than sanitary purposes; and two but not more than two of such members shall serve on the executive board at the same time. Sanitary purposes shall be defined for this section as defined by the general statutes.

Section 21. Notification of Tax Rate

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 said tax, and said tax shall be due and payable within thirty days from the sending of such notice, and if such tax be not paid when due, it shall bear interest at the rate of nine per centum per annum from the date when it was so payable. The collector shall have all the power of collectors of town taxes and shall be accountable to the executive board in the same manner as town collectors are accountable to selectmen, and shall pay over the taxes as soon as collected to the treasurer of the association. Every such tax shall be a lien upon the property upon which it shall be laid for one year from the time of the laying of said tax, and may be collected by suit in the name of said association, or by foreclosure of said lien. Said lien may be continued by certificate to be recorded in the land records of the town of Branford, pursuant to the provisions of section 2403 of the general statutes.

Section 22. Tax Remedy

The executive board may, by a three-quarters vote of those present at any meeting, abate the taxes assessed as aforesaid 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.

Section 23. Liquor License

Whenever the town of Branford, within which territory this association exists, shall have voted in favor of license to sell spirituous and intoxicating liquors, the clerk of said executive board, upon petition of not less than ten members of this association, shall notify all the members of said association in accordance with the method provided in the by-laws, that a meeting of The Pine Orchard Association will be held within the limits of said territory, at such time and place as said clerk shall fix, not less than ten days nor more than twenty days from the date of said notice, and that at such meeting a vote will be taken to determine whether any person shall be licensed to sell spirituous and intoxicating liquors within the limits of said territory of this association, and such meeting shall determine by vote whether licenses for the sale of such liquors shall be granted within said limits; and if said vote shall be opposed to such license it shall remain in full force and effect until annulled by a vote taken at any subsequent meeting; and whenever said association shall have voted against the granting of licenses aforesaid, no license shall be granted to sell beer, wine or spirituous or intoxicating liquors within the territory of said association, and such license, if so granted, shall be void.

Section 24. POA Oversight

Said association shall have and may exercise all the powers and shall be subject to all of the provisions of chapter 29 of the general statutes and all of the amendments thereto to the end that in the matter of zoning said association shall be considered as a borough.