

SPECIAL ACTS

	<i>Page</i>
1. (1899) An Act Incorporating the Borough of Fenwick (As amended in 1943)	1
2. (1951) An Act Amending the Charter of the Borough of Fenwick, Eliminating the Office of Sheriff and Changing the Dates of Annual Meetings	12
3. (1957) An Act Providing for Biennial Elections in the Borough of Fenwick	13
4. (2013) An Act Concerning ... the Boundaries of Fenwick	14
5. (2015) An Act...Amending the Charter of the Borough of Fenwick... (Electors)	15

STATE OF CONNECTICUT

Special Acts 1899

[House Bill No. 271 as amended 1943.428.]

I. INCORPORATING THE BOROUGH OF FENWICK.

Resolved by this Assembly: SECTION 1. That all of the electors of this state, who own real estate located in and who have been domiciled for two months during the year last past in the town of Old Saybrook and within the territory included within the following limits, to wit: Bounded north by the South Cove, so called; east by Connecticut River and land belonging to the United States; south by Long Island sound; and west by the east line of land of Daniel C. Spencer, said east line running about south from said South Cove to Long Island Sound, the territory comprised within said boundaries being situated on the peninsula of Lynde's Point, and known as New Saybrook and so designated on a map thereof on file in the office of the town clerk of Old Saybrook; are hereby declared to be, and shall forever continue to be, a body politic and corporate within said town of Old Saybrook, by the name of the borough of Fenwick; and by that name they and their successors shall have perpetual succession, and shall be a person in law, capable of suing and being sued, pleading and being impleaded in all courts of whatsoever nature; and also of purchasing, holding, and conveying any estate, real or personal; and shall have a common seal and may change and alter the same at pleasure.

SEC. 2. All of the electors aforesaid, domiciled within said limits for two months during the year last past, and owners of real estate located within said limits, and all electors of the town of Old Saybrook who actually reside within the limits of the said borough shall be freemen at the first election of officers under this act and for the year next ensuing; and every elector of this state who shall thereafter have been domiciled within the limits of said borough for a period of two months during any year and who shall have owned real estate located in said borough during said time shall be a freeman of said borough for the year during which he has so owned real estate and been so domiciled for two months and for the year ensuing and all electors of the town of Old Saybrook who actually reside within the limits of said borough shall also be freemen of said borough. Any freeman of said borough who votes in the said borough under the provisions of this act, but whose permanent residence is not within the limits of the town of Old Saybrook, may vote in all elections in any town in this state where he permanently resides, and the fact that any person is registered as a voter in the borough of Fenwick shall not deprive him of the right to register and vote in any town in this state where he has a permanent residence.

SEC 3. The first annual meeting of the legal voters of said borough of Fenwick shall be held on the first Monday of July in the year 1899, at which meeting said voters shall elect from their number by a plurality of ballots a warden, six burgesses, a clerk, a treasurer, a collector, and a borough Sheriff. All of said officers of said borough shall be sworn faithfully to perform the duties of their several offices, and shall hold office until

the next annual meeting and until others shall be chosen and qualified in their stead. The annual meeting of the legal voters of said borough shall be held thereafter on the first Monday of July in each year, and a notice of said annual meeting shall be signed by the warden or any three of the burgesses, and shall designate the time and place of such meeting, the officers to be elected, and other business to be transacted thereat, and such notice shall be posted at least five days before the date of such meeting, on the public signpost in said borough.

SEC. 4. At all meetings of the voters of said borough held for the election of officers, the polls shall be open at nine o'clock in the forenoon and shall remain open until four o'clock in the afternoon. The voting for such officers shall be by ballot, and the casting, challenging, checking, and counting of ballots shall be regulated by the warden and burgesses of said borough by such by-laws, rules, and regulations as they may from time to time prescribe. The time for the transaction of business other than the election of officers, at all meetings of the voters of said borough, shall be fixed and designated by the board of warden and burgesses.

SEC. 5. Not less than ten of the legal voters of said borough shall constitute a quorum for the transaction of business at any special meeting of the voters of said borough; and if ten legal voters shall not be present at any such meeting, the warden of said borough, and, in the absence of the warden, the clerk of said borough, may adjourn said meeting from time to time until at least ten legal voters shall be present; and all meetings of the voters of said borough, where a quorum shall be present, may be adjourned from time to time by a vote of a majority of the legal voters present and voting; provided, that no election of officers shall be had at such adjourned meeting.

SEC. 6. Whenever at any meeting of the voters of said borough there shall be no election to an office, by reason of a tie vote, a new election for such office shall be held one week from the day of said meeting, at the same hour and place. Whenever any office shall be vacated by death, resignation, removal, or otherwise, such vacancy shall be filled by the board of warden and burgesses for the unexpired term; provided, however, that if the board and burgesses do not, by a majority vote, fill such vacancy within one week after the same occurs, the warden of the borough, or, if there be no warden, or he shall be absent or incapacitated to act, the senior burgess of the borough may fill such vacancy as aforesaid until the same is filled by the warden and burgesses.

SEC. 7. The seniority of a burgess shall be determined by his consecutive terms of office, and in case there is no seniority vested in any member of the board of burgesses, then the eldest burgess who has held the office consecutively as long as any other member of said board shall be considered the senior burgess.

SEC. 8. The board of warden and burgesses shall hold its first regular meeting in each year at half-past seven o'clock on the evening of the day following the annual meeting, and thereafter meetings of said board may be called at any time by the warden or any four burgesses by leaving a notice of such meeting with, or at the usual place of domicile in said borough of the warden and each burgess, at least twenty-four hours before such special meeting; a majority of the board of warden and burgesses shall constitute a quorum at any meeting; each burgess shall have one vote, except as hereinafter provided; a majority of the burgesses present and voting at any meeting shall be necessary to pass any act or resolution, except in the case of a tie vote, as hereinafter provided.

Sec. 9. The warden of said borough shall be the chief executive officer thereof; he shall preside at all meetings of the voters of said borough, and at all meetings of the board of warden and burgesses, and at all meetings where he shall so preside he shall vote to dissolve a tie when necessary, except on the election of officers of the borough at a meeting of the voters of the borough, but shall not otherwise vote; except in the election of officers as aforesaid; he shall designate such freemen as he may choose to count the ballots at any meeting of the voters of said borough; he shall have full authority to preserve the peace in said borough; and may suppress all riots and tumults with force if necessary; and may at all times require the aid of the sheriff, deputy sheriff, constable, watchman or other peace officer, or all of them together, with such other aid as he may deem necessary to the proper discharge of his duties.

SEC. 10. Whenever the warden shall be removed from or vacate his office, or be absent, or from any cause be unable to perform the duties of his office, the senior burgess, and in case of the inability of the latter from any cause, the next senior burgess, and so on, shall act in the place of the warden during such inability, or until another person shall be elected warden, and while so acting as warden shall have all the powers and duties conferred upon the warden by this act, and all acts of such burgess while so acting as warden shall have the same effect as like acts done by the warden, and such temporary performance of the duties of warden shall in no wise disqualify such burgess from performing any of his duties as burgess, and in meetings of the board of warden and burgesses such burgess while acting as warden may vote as a burgess, and in addition thereto have a casting vote in case of a tie.

SEC. 11. The clerk shall be clerk of the borough and clerk of the board of warden and burgesses, and shall act as such at all meetings of the voters of said borough, and at all meetings of said board of warden and burgesses; and it shall be his duty to make and keep all the records of such meetings, and he shall be the custodian of all books, papers and documents belonging to said borough and said warden and burgesses, except such books and documents as the treasurer shall be required to keep. All books, papers and documents so kept by the clerk shall be open to inspection by any inhabitant of said borough at all reasonable times. He shall also post and serve all notices which may be required by the board of warden and burgesses, and shall perform such other clerical duty as may be required by said board or the voters of the borough, at any legal meeting. In the absence of the clerk a clerk pro tempore may be appointed by the warden of the borough, and such clerk pro tempore, while acting as clerk, shall have all the powers and be subject to all of the duties of clerk; it shall also be the duty of the clerk, or in his absence the clerk pro tempore, to prepare a list of all the electors within the borough at the last preceding electors' meeting in said borough, forty-eight hours previous to the annual or any special meeting of the voters of the borough for the election of officers, to be used as a check list at such meeting; and no person shall vote at any such meeting unless his name shall be on such list, or unless his right to vote at such meeting shall have matured under section two, by a continuous domicile of two months within the limits of said borough; and if such list cannot be prepared, then the list used at the last meeting of the voters of the borough for the election of officers shall, on the morning of the annual meeting, be revised by the warden and any two burgesses, or in the absence or inability of the warden by the clerk and any two burgesses, and be used until a certified list can be

prepared. The name of any elector omitted from said list by clerical error, and the name of any elector whose right to vote shall have matured under section two, may be added on election day by the presiding officer.

SEC. 12. The treasurer of said borough shall have and exercise the same relative powers and duties in said borough as town treasurers have in their respective towns and shall be accountable to the borough.

SEC. 13. The borough sheriff shall have the same authority within the limits of the borough as constables have within their respective towns, and shall be liable to the same extent.

SEC. 14. The collector shall faithfully collect all rate bills, made out by the board of warden and burgesses under their hands, for all taxes laid by said borough; and any justice of the peace for Middlesex county, on their application or that of the collector, shall issue a warrant for the collection thereof, and the collector shall have the same powers as town collectors, and shall be accountable to the warden and burgesses, in the same manner as town collectors are accountable to selectmen, and shall pay over the taxes as fast as collected to the treasurer.

SEC. 15. (*Repealed 1943.*)

SEC. 16. The treasurer, collector, and borough sheriff shall, if required by the burgesses, give sufficient bonds to their acceptance, to the borough, for the faithful performance of their respective duties.

SEC. 17. Every officer of said borough, except the assessors, shall, before entering upon the duties of his office, be sworn to a faithful performance of his duties, and the form of the oath to be taken shall be as follows: You do solemnly swear that you will faithfully perform the duties of the office of of the borough of Fenwick to the best of your ability, so help you God. This oath may be administered to the clerk of said borough by any officer qualified to administer oaths in Middlesex county, and by said clerk to all the other officers; and the fact of such administration shall be recorded by the clerk.

SEC. 18. Said borough may lay taxes to meet all its assessments as herein provided and necessary expenditures, and the clerk of said borough shall, when requested by the warden, make an assessment list of all real estate in said borough as appears by the assessment list of the town of Old Saybrook then last completed, and the list so prepared by the clerk shall correspond in description, amount, and value of said, real estate with said town list. When real estate so entered in the town list is located partly within and partly without the limits of said borough, and there is no distinct and separate value put by the assessors of the town upon the part lying within the borough, the assessors of the town of Old Saybrook shall, on application of the warden of said borough, value such part of said real estate as lies wholly within the limits of said borough and return a list of the same to the clerk of said borough, which valuation shall be adopted by the borough for purposes of taxation. When the borough lays a tax on the list of real estate located in said borough, and the title to any real estate has in any way been changed between the first day of October next preceding and the time of laying said tax, the assessors of the town of Old Saybrook shall value said real estate in the name of the person owning it at the time of laying said tax. The clerk of the borough shall return said list when completed, duly signed and sworn to by him, to the warden of said borough.

Sec. 19. The burgesses shall have power to lay a tax upon all real estate located in said borough as appears by the list prepared by the clerk as provided in section eighteen of this act, at any regular or special meeting of the warden and burgesses of said borough, duly warned and holden for that purpose. When the tax is so laid by the warden and burgesses it shall be the duty of the clerk of said borough to prepare a rate bill apportioning to each owner of such real estate his proportionate share of the tax so laid, which rate bill, when prepared, shall be delivered to the collector of said borough and the collector of said borough shall have the same powers as collectors of towns to enforce payment of said tax; and said tax laid shall constitute a lien upon all real estate located in said borough, and the clerk of said borough may file a lien upon any real estate in said borough to secure the payment of said tax in the same manner and subject to the same regulations as is now provided by law for the collection of town taxes. If any person shall be aggrieved by the laying of any such tax so laid under the provisions of this section, he shall have the same right of appeal as he would have had if said tax had been laid by the assessors of the town of Old Saybrook; provided, that he shall take his appeal within thirty days from the date when said tax is so laid.

Sec. 20. The warden and burgesses, when assembled according to law, shall have power to make, alter, repeal, and enforce such by-laws, orders, ordinances, and enactments, as they shall deem suitable and proper, not inconsistent with this resolution or contrary to the laws of this state or of the United States, for the following purposes: To manage, regulate, and control the finances and property, real and personal, of said borough; to regulate the sale, conveyance, and transfer of said property; to regulate the mode of assessment and collection of taxes for borough purposes not otherwise herein provided for; to provide for the due execution and delivery of deeds, grants, and releases of borough property, of contracts, and of other evidences of indebtedness issued by said borough; to provide the method of keeping the accounts of said borough, and of adjusting claims against the same; to regulate and fix the salaries and compensation of all officers and employees of the borough, and prescribe the duties of said officers and employees when not expressly defined by this resolution; to punish the resistance, hindrance, obstruction, or abuse of officers of said borough in the discharge of their duties; to preserve peace and order; to prevent and quell riots and disorderly assemblages; to prevent vice and immorality; to suppress gambling houses, houses of ill-frame, houses resorted to for the purpose of prostitution and lewdness, and disorderly houses; to prevent assemblages of persons on the sidewalks to the obstruction, hindrance, or annoyance of the public; to compel the closing of saloons and other places where intoxicating liquors are kept and sold, at such suitable hours during the night season as said warden and burgesses may designate, and at such times and on such occasions as may be required by the public good; to protect said borough from fire, and from the danger of the same; to organize, maintain, and regulate a fire department and fire apparatus; to locate and establish wells, cisterns, or water-works for use in case of fire or for domestic use; to erect and keep in repair all buildings necessary for the use of the fire department; to purchase a fire engine, hose carriage, and other apparatus for use in case of fire, and to make rules and regulations for the safe-keeping and preservation of the same, and for the protection and preservation of wells, cisterns, or water-works which may be established; to license regulate, or prohibit the manufacture, keeping for sale, or use of fireworks,

torpedoes, firecrackers, gunpowder, petroleum, dynamite, or other explosives or inflammable substance, and the conveyance thereof through any portion of the borough; to regulate the discharge of firearms in said borough; to regulate the erection of lamp-posts and of telegraph, telephone, and electric light poles, and the wires and fixtures thereof; to provide for the public lighting of the streets in said borough, and to protect the same from injury; to regulate all parades and processions, public assemblages, shows, and music in the public streets; to regulate the speed of animals and vehicles in said streets; to prescribe the width, grade and kind of sidewalks to be made and laid in said borough, and compel the making of sidewalks to be made and laid in said borough, and to compel the making and laying of the same; to compel the owners of the land and buildings to remove the snow and ice from the sidewalks in front of such land and buildings, and to keep such sidewalks safe for public travel and free from all obstructions; to regulate and prohibit the depositing of any building material of any description on any sidewalk; to regulate or prohibit the running of animals at large in said borough; to license and regulate public hacks and carriages, and the charges of hackmen, carmen, and truckmen; to regulate the planting and removal and provide for the protection and preservation of trees in the public streets; to keep the streets and all public places quiet from all undue noise; to prohibit the crying of newspapers upon the Sabbath, or at any unreasonable hours upon the streets of said borough; to provide for the health of said borough, and to prevent and summarily abate every kind of nuisance; to regulate the use of cesspools, drains, sewers, and privies, and to regulate and prevent the location of pigpens or deposits of filth and rubbish in said borough; to compel the removal from any place in said borough 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 regulate the removal of any offensive manure or other substance, swill, or nightsoil through the streets of the borough; to regulate the carrying on within said borough of any kind of trade, manufacture, or business prejudicial to public health, or dangerous to, or constituting an unreasonable annoyance to those living or owning property in the vicinity; to prohibit the sale of meat, vegetables, fish, produce, fruits, or food of any kind when the same is in such a condition as to endanger public health; to regulate the naming of streets; to establish building lines and regulate the construction of buildings; to construct and maintain piers and docks; to license and regulate sports, exhibitions, public amusements and performances, billiard and bowling saloons within said borough; to regulate and prevent the use of velocipedes, bicycles, and tricycles on the sidewalks of said borough; to prohibit and prevent the depositing of any filth, garbage, or rubbish in any of the gardens, cemeteries, and public and private enclosures; to protect, preserve, and care for public burying grounds, and to prevent the desecration thereof, and regulate the burial of the dead therein; to prevent cruelty to animals and restrain inhuman sports; to provide a public seal; to regulate and prescribe the mode of conducting all borough elections and the manner of warning borough meetings and meetings of the warden and burgesses, and the time and place of holding the same, when those matters are not expressly regulated by this act; to provide the mode for removal of any officer for cause; to provide places for holding meetings in said borough; to prescribe the amount of bonds to be given by the officers of the borough; and said warden and burgesses may prescribe fines and penalties for a violation of any such by-laws, orders, ordinances, and enactments, and the penalties

imposed may be recovered in any proper action brought for that purpose in the name of the borough of Fenwick, before any court having jurisdiction, for the use of the borough; and the violation of any such by-law or ordinance imposing a fine shall be a misdemeanor, and may be prosecuted by a grand jury of the town of Old Saybrook as in other criminal cases.

SEC. 21. No by-law or ordinance shall take effect and be enforced until the same has been posted for at least five days on the public sign-post in said borough. No by-law or ordinance shall take effect until fifteen days after its passage, and no by-law or ordinance shall impose a greater penalty or fine than one hundred dollars. A certificate of the clerk of said borough of the due posting of any by-law or ordinance shall be *prima facie* evidence of such posting.

SEC. 22. The warden and burgesses shall have power, and it shall be their duty, at the expense of said borough, to lay out, make, pave, repair, alter, widen, straighten, and discontinue streets, highways, drains, and sewers in said borough; provided, that the warden and burgesses shall not have power to alter, widen, straighten, or discontinue any public highway now regularly laid out within the limits of said borough, nor any public highway which may be hereafter laid out therein by authority of the town of Old Saybrook.

SEC. 23. The warden and burgesses shall have power to lay out, construct, and repair sewers and drains whenever they may deem the same necessary, through or along any street, highway, or public ground, or through any private ground by making suitable compensation therefor, and to assess such portion as they may deem reasonable of the cost of any such sewer or drain upon the property of such person or persons as they shall find to be specially benefited thereby; provided, that in case the warden and burgesses, or a committee by them appointed, cannot agree as to the amount of damages to be paid to any person or persons, whose land or property is taken or affected, or as to the amount of benefits, in case benefits shall be assessed against any person, then said damages and benefits shall be assessed in the same manner as is provided in this act, when land is taken for highways.

SEC. 24. Before the warden and burgesses shall determine to lay out, alter, widen, straighten, or discontinue any street, highway, drain, or sewer in said borough, they shall cause a notice, signed by the warden of said borough or the clerk thereof, describing in general terms such proposed layout, widening, straightening, or discontinuance, and specifying a time and place when and where all persons whose lands are proposed to be taken therefor may appear and be heard before said warden and burgesses in relation thereto, to be posted on the signpost in said borough, at least three days before the time fixed in said notice for such hearing; and such posting on said signpost shall be legal and sufficient notice to all persons and corporations whose land is proposed to be taken for such improvement; at the time and place mentioned in said notice, and at any meeting adjourned therefrom, said warden and burgesses shall hear all of the parties in interest who may appear and desire to be heard in relation thereto.

SEC. 25. If, after such hearing, said warden and burgesses shall resolve to lay out, alter, widen, straighten, or discontinue such street, highway, drain, or sewer, they shall appoint a committee of their own number whose duty it shall be to make such layout, alteration, widening, straightening, or discontinuance, and report in writing their doings

to said warden and burgesses, which report shall embody a descriptive survey of such street, highway, drain, or sewer, as laid out and designated. If said report shall be accepted and approved by said warden and burgesses, and said warden and burgesses and the parties in interest cannot agree as to the damages and benefits to be assessed, the warden, or, in the case of his absence, inability, or being personally interested in said damages or benefits, the senior burgess of said borough shall appoint three disinterested and judicious freeholders of the state of Connecticut, to appraise the damages and assess the benefits, as the case may be, accruing to any person or persons from the taking of such lands for the public use as aforesaid, or from such layout, alteration, widening, straightening, or discontinuance; said freeholders shall be sworn to the faithful and impartial discharge of the duties of said appointment, and a certificate of such appointment and the administration of such oath shall be made under the hand of the officer appointing them, and recorded in the records of said borough. Before making any such appraisal of damages or assessment of benefits, said freeholders shall give notice to all persons interested of the time and place when and where they will meet for the purpose of attending to the duties of their appointment; such notice shall be deemed sufficient and legal if signed by the said freeholders, or a majority of them, and published or posted in the same manner as is provided in section 24 of this act, or if given in such other manner as the warden or burgesses may prescribe. Said freeholders shall meet at the time and place designated in said notice, and at such time as they may adjourn therefrom, and shall hear all of the parties in interest who may appear before them; and shall thereupon ascertain and determine what person or persons will be damaged by such taking of said land, or by such layout or alteration, and the amount thereof over and above any special benefit such person or persons may receive therefrom; also what other person or persons owning or interested in lands contiguous to or in the vicinity of the proposed improvement will be specially benefited by such taking of said land, or by such layout or alteration, and the amount thereof over and above any damage such person or persons may receive therefrom; also what other person or persons owning or interested as above will receive an equal amount of damages and benefits thereby; and such freeholders shall report the amount of damages and benefits thus ascertained and determined, and the names of the persons to whom the same respectively appertain and belong, with general description of the property in respect to which benefits are assessed, to the warden and burgesses, who may accept said report, or return the same to said freeholders for reconsideration and correction; and upon the acceptance of said report, the clerk of the borough shall record the same in the records of the warden and burgesses; provided, that the whole amount of benefits assessed for any particular improvement shall not exceed the whole amount of damages appraised on account of the same and the estimated cost of completing said improvement, which estimate said committee shall make and embody in its report; said warden and burgesses shall cause a notice signed by the warden or clerk of said borough containing the names of the persons thus assessed, with the amount of their respective assessments, to be posted on the public signpost in said borough; and such posting shall be deemed legal and sufficient notice to all persons interested in such assessments, and the same shall thereupon become due and payable. The warden and burgesses shall order the damages thus assessed and determined to be paid to the person or persons to whom they respectively belong out of the treasury of said

borough; provided that if any such person or persons shall refuse or neglect to receive the amount so found due and ordered to be paid to him or them, the same shall be deposited in the treasury of the borough, to be paid to the person or persons entitled to receive it, whenever he or they shall apply for the same; and the descriptive survey before mentioned being signed by the warden or senior burgess, and entered upon said borough records and upon the town records of the town of Old Saybrook, and the damages assessed having been paid or deposited as aforesaid, said street, highway, drain, or sewer shall be and remain for the purpose for which it was laid out.

SEC. 26. The assessment of benefits so made shall be and remain a lien or real encumbrance upon the land upon which they are respectively made, and shall take precedence of all liens or encumbrances thereon except taxes; provided, however, that such lien shall not continue for a longer period than sixty days after the posting of the notice therefor as aforesaid, unless within that period a certificate, signed by the warden or clerk of said borough describing the premises on which such lien exists, and the amount claimed by said borough as a lien thereon, shall be lodged with the town clerk of the town of Old Saybrook; and provided further, that such lien shall cease to exist whenever a certificate to that effect, signed by the warden or clerk of said borough for the time being, shall be lodged with said town clerk; all such certificates the said town clerk shall record with deeds of land; and such assessment may be collected by warrant under the hand of the warden of said borough in the same manner as town taxes are by law collected.

SEC. 27. All persons aggrieved by the appraisal of damages by said freeholders caused by the layout, alteration, widening, or straightening, or discontinuance of any street, highway, drain, or sewer, may within thirty days after notice, as aforesaid, of said appraisal of damages, apply to any judge of the superior court for a re-appraisal of such damages, giving reasonable notice in writing to the clerk of said borough of the time and place of such application and of the name of the judge; and said judge shall appoint three judicious and disinterested freeholders of the state of Connecticut, who shall re-appraise such damages, and make report of their doings to the superior court in and for Middlesex county, which shall have authority, for any cause it may deem sufficient, to set aside said report and order another appraisal to be made, or make such other order therein as to justice shall appertain. If upon such application the damages shall be increased, and the same be approved of by said court, the costs of the application shall be paid by said borough, otherwise by the applicant.

SEC. 28. It shall be the duty of the town of Old Saybrook annually to appropriate moneys sufficient for repairing and maintaining its streets and highways within the limits of said town, and it shall be the duty of the selectmen of said town, together with a committee of an equal number of the burgesses of said borough to determine by majority vote of the whole number a certain proportionate sum of said moneys so appropriated to be paid by said town to said borough for the construction, maintenance, and repairs of streets and highways within the limits of said borough, and in case the selectmen and burgesses cannot agree by majority vote as aforesaid upon the amount so to be appropriated for the construction, maintenance, and repairs of streets and highways within the limits of said borough, the county commissioner of Middlesex county residing nearest to said borough shall be called in to give a deciding vote. The sum thus

appropriated or agreed upon shall be paid into the treasury of said borough, and said town shall not be obliged thereafter to make or repair any street, bridge, or highway within the limits of said borough for the year next ensuing, and when said sum is paid as aforesaid by said town into the treasury of said borough said town shall in no way be liable on account of any defect existing in any of the highways in said borough of the next ensuing year; provided, that this section shall not be construed to apply to any streets or highways other than those now regularly and lawfully laid out or which may be hereafter regularly laid out under authority of the town of Old Saybrook within the limits of said borough; and provided further, that this section shall not be construed to include appropriations made pursuant to chapter CCXXIX of the public acts of 1897, entitled An Act to Provide for the Improvement of Public Roads.

Sec. 29. The warden and burgesses shall constitute and be a board of health in said borough, and shall have and may exercise all power and authority given by law to the boards of health of towns in this state, which they shall judge necessary for the prevention of the spread of disease and the promotion of the health of the inhabitants of said borough, and may make cause to be executed all orders which they may deem necessary for such purpose, and may appoint committees to carry the same into effect; provided, that such orders shall not be inconsistent with the constitution and laws of this state or of the United States; and provided further, that all orders and regulations of said board shall be posted for three days upon the signpost in said borough; and if any person or persons shall neglect or refuse to obey any order of said board of health, or of the committee by them appointed, upon being duly notified of such order to remove any filthy, putrid, or noxious substances which shall be deemed injurious to the health or cleanliness of said borough, the warden or any of the burgesses, or said committee, may cause the same to be removed at the expense of such person so refusing or neglecting, and for such purpose may enter upon and into all lands and buildings in said borough; and the expense of such removal may be recovered against any such person by any proper action.

SEC. 30. The warden and burgesses may, from time to time, order the owner or owners of lands fronting on any street or highway, at the expense of such owner or owners, to make and lay sidewalks, of such width and kind at such grade as said warden and burgesses shall designate and prescribe, and may limit such time as they may deem reasonable for the carrying out of such order, notice of which shall be given by the clerk of said borough by leaving a true and attested copy of such order with or at the usual place of abode of such owner or owners, within five days after the passage of the same, and if such owner be a non-resident of said borough, a true and attested copy of said order shall be deposited by said clerk in the post-office in said Old Saybrook, postage paid, addressed to such owner at his place of residence, if the same be known, and a like copy be left with his agent, or the person having charge of or occupying said premises, which shall be due and legal notice to said owner of such order. If any such owner or owners shall refuse or neglect to comply with such order within the time specified therein, the warden and burgesses may, by themselves, or by a committee by them appointed, execute said order in the manner therein prescribed, at the expense of the borough; and the expense incurred in the executing of such order shall, from the time when such expense begins to be incurred, be and continue a lien upon the land in front of

which such sidewalk is made or laid in favor of said borough, which lien shall take precedence of all other liens except taxes, and such sum may be collected by warrant under the hand of the warden in the same manner as town taxes are by law collected; provided, however, such lien shall not continue for a longer period than sixty days after final execution of such order, unless within that period a certificate shall be lodged, as provided in section 26 of this resolution.

SEC. 31. Said warden and burgesses shall establish a public signpost in said borough; and may make, establish, and adopt forms of orders and notices to be used under this act, and in enforcing the by-laws and ordinances passed in pursuance thereof, and the same shall be held to be appropriate and sufficient.

SEC. 32. The first meeting of the legal voters of said borough shall be held in said borough on the first Monday in July, 1899; the warning of which meeting shall be given by posting a notice in conspicuous places within said proposed borough at least five days before said meeting, which said notice shall be signed by Morgan G. Bulkeley, Francis Goodwin, Jacob L. Green, George H. Day, and William L. Matson, all of the town of Hartford, or a majority of them. Said persons, or a majority of them, shall, on or before the day preceding said meeting, prepare for use at said meeting, a list of the legally qualified electors of this state who have been domiciled for two months during the year last past within the limits designated in section one of this resolution, and who have during said time owned real estate in said proposed borough, and such electors only shall be qualified to vote at said meeting. Said meeting shall be open at eleven o'clock in the forenoon and shall remain open until one o'clock in the afternoon. Said persons, or a majority of them, shall prepare a ballot-box for use at said meeting; they shall also appoint the moderator, checker, and counters for the taking of the votes at said meeting. At said meeting there shall be chosen by ballot of the officers of said borough named in section 3 of this resolution, who shall hold their offices until the annual meeting next following, and until others shall be chosen and qualified in their stead.

SEC. 33. The inhabitants living within the limits of said borough shall remain and continue inhabitants of the town of Old Saybrook, entitled to all privileges and subject to all burdens in the same manner as if this resolution had never been passed. Always provided that this resolution or any provision thereof may be amended, altered, or revoked by the general assembly.

2. AN ACT AMENDING THE CHARTER OF THE BOROUGH OF
FENWICK, ELIMINATING THE OFFICE OF SHERIFF AND
CHANGING THE DATES OF ANNUAL MEETINGS.

SECTION 1. Section 3 of number 271 of the special acts of 1899, as amended by section 1 of number 256 of the special acts of 1943, is amended to read as follows: The annual meeting of the legal voters of said borough of Fenwick shall be held on the first Saturday of July, at which meeting said voters shall elect from their number by a plurality of ballots a warden, six burgesses, a clerk, a treasurer and a collector. All of said officers of said borough shall be sworn faithfully to perform the duties of their several offices, and shall hold office until the next annual meeting and until others shall be chosen and qualified in their stead. A notice of said annual meeting shall be signed by the warden or any three of the burgesses, and shall designate the time and place of such meeting, the offices to be elected, and other business to be transacted thereat, and such notice shall be posted at least five days before the date of such meeting, on the public signpost in said borough.

Sec. 2. Section 8 of said number 271 of the special acts of 1899 is amended to read as follows: The board of warden and burgesses shall hold its first regular meeting in each year within two weeks after the annual meeting, and thereafter meetings of said board may be called at any time by the warden or any four burgesses by leaving a notice of such meeting with or at the usual place of domicile in said borough of the warden and each burgess, at least twenty-four hours before such special meeting. A majority of the board of warden and burgesses shall constitute a quorum at any meeting. Each burgess shall have one vote, except as hereinafter provided, and a majority of the burgesses present and voting at any meeting shall be necessary to pass any act or resolution, except in the case of a tie vote, as hereinafter provided.

Sec. 3. Section 9 of said number 271 of the special acts of 1899, as amended by section 2 of number 256 of the special acts of 1943, is amended to read as follows: The warden of said borough shall be the chief executive officer thereof. He shall preside at all meetings of the voters of said borough and at all meetings of the board of warden and burgesses, and at all meetings where he shall so preside he shall vote to dissolve a tie when necessary, except on the election of officers of the borough at a meeting of the voters of the borough but shall not otherwise vote. He shall designate such freemen as he may choose to count the ballots at any meeting of the voters of said borough. He shall have full authority to preserve the peace in said borough, and may suppress all riots and tumults with force if necessary, and may at all times require the aid of the watchman, peace officer or such other aid as he may deem necessary to the proper discharge of his duties.

Sec. 4. Section 13 of said number 271 of the special acts of 1899 is repealed.

Sec. 5. Section 16 of said act is amended to read as follows: The treasurer and collector shall, if required by the burgesses, give sufficient bonds to their acceptance, to the borough, for the faithful performance of their respective duties.

Approved, June 13, 1951

[House Bill No. 1845.]

[28.]

3. AN ACT PROVIDING FOR BIENNIAL ELECTIONS
IN THE BOROUGH OF FENWICK.

Section 3 number 271 of the special acts of 1899, as amended by section 1 of number 256 of the special acts of 1943 and section 1 of number 325 of the special acts of 1951, is amended to read as follows: A meeting of the legal voters of said borough of Fenwick shall be held on the first Saturday of July in the year 1957, and biennially thereafter, for the election from their numbers by plurality of voters of a warden, six burgesses, a clerk, a treasurer and a collector. All of said officers of said borough shall be sworn faithfully to perform the duties of their several offices, and shall hold office until the next meeting and until others shall be chosen and qualified in their stead. Notice of any meeting shall be signed by the warden or any three burgesses, and shall designate the time and place of such meeting, the officers to be elected, and other business to be transacted thereat; and such notice shall be posted at least five days before the date of such meeting on the public signpost in said borough.

Approved April 3, 1957

Subsequently, 9-164 of the General Statues provided for elections to be held biennially on the first Monday in May

Special Act No. 13-23

AN ACT CONCERNING ... THE BOUNDARIES OF FENWICK

Sec. 11. Section 1 of number 271 of the special acts of 1899 is amended to read as follows
(*Effective from passage*):

That all of the electors of this state, who own real estate located in and who have been domiciled for two months during the year last past in the town of Old Saybrook and within the territory included within the following limits, to wit: Bounded north by the South Cove, so called; east by Connecticut River; south by Long Island sound; and west by the east line of land of Daniel C. Spencer, said east line running about south from said South Cove to Long Island sound, the territory comprised within said boundaries being situated on the peninsula of Lynde's Point, and known as New Saybrook and so designated on a map thereof on file in the office of the town clerk of Old Saybrook; are hereby declared to be, and shall forever continue to be, a body politic and corporate within said town of Old Saybrook, by the name of the borough of Fenwick; and by that name they and their successors shall have perpetual succession, and shall be a person in law, capable of suing and being sued, pleading and being impleaded in all courts of whatsoever nature; and also of purchasing, holding, and conveying any estate, real or personal; and shall have a common seal and may change and alter the same at pleasure.

Approved July 12, 2013

Special Act No. 15-1

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND
AND AMENDING THE CHARTERS OF THE BOROUGH OF FENWICK AND THE
GIANTS NECK BEACH ASSOCIATION.

Sec. 11. Section 1 of number 271 of the special acts of 1899, as amended by section 11 of special act of 13-23, is amended to read as follows (*Effective from passage*):

That the electors described in section 2 of number 271 of the special acts of 1899, in relation to the territory included within the following limits, to wit: Bounded north by the South Cove, so called; east by Connecticut River; south by Long Island sound; and west by the east line of land of Daniel C. Spencer, said east line running about south from said South Cove to Long Island sound, the territory comprised within said boundaries being situated on the peninsula of Lynde's Point, and known as New Saybrook and so designated on a map thereof on file in the office of the town clerk of Old Saybrook; are hereby declared to be, and shall forever continue to be, a body politic and corporate within said town of Old Saybrook, by the name of the borough of Fenwick; and by that name they and their successors shall have perpetual succession, and shall be a person in law, capable of suing and being sued, pleading and being impleaded in all courts of whatsoever nature; and also of purchasing, holding, and conveying any estate, real or personal; and shall have a common seal and may change and alter the same at pleasure.

Sec. 12. Section 2 of number 271 of the special acts of 1899 is amended to read as follows (*Effective from passage*):

Electors of the borough of Fenwick shall include (1) all electors of the town of Old Saybrook who actually reside within the limits of the said borough, (2) every citizen of the United States of the age of eighteen years or older who is liable to said borough for taxes assessed against such citizen on an assessment of not less than one thousand dollars on the last-completed grand list used in connection with the assessment of taxes by said borough, or who would be so liable if not entitled to a statutory exemption, (3) each beneficiary of a trust which is a holder of record of an interest in real property located within said borough who (A) has been a resident for at least two months during any calendar year in the borough, (B) is a citizen of the United States, and (C) is eighteen years of age or older, and (4) each member of a Connecticut limited liability company which is a holder of record of an interest in real property located within said borough who (A) has been a resident for at least two months during any calendar year in the borough, (B) is a citizen of the United States, and (C) is eighteen years of age or older. Any elector of said borough who votes in said borough under the provisions of number 271 of the special acts of 1899, but whose permanent residence is not within the limits of the town of Old Saybrook, may vote at all elections in any town in this state where he or she permanently resides, and the fact that any person is registered as an elector in the borough of Fenwick shall not deprive him or her of the right to register and vote in any town in this state where he or she has a permanent residence.

Sec. 13. Section 3 of number 271 of the special acts of 1899, as amended by section 1 of number 256 of the special acts of 1943, section 1 of number 325 of the special acts of 1951 and number 28 of the special acts of 1957, is amended to read as follows (*Effective from passage*):

A meeting of the electors of said borough of Fenwick shall be held on the first Saturday of July in the year 1957, and biennially thereafter, for the election from their numbers by a plurality of votes of a warden, six burgesses, a clerk, a treasurer and a collector. All of said officers of said borough shall be sworn faithfully to perform the duties of their several offices, and shall hold office until the next meeting and until others shall be chosen and qualified in their stead. Notice of any meeting shall be signed by the warden or any three burgesses, and shall designate the time and place of such meeting, the officers to be elected, and other business to be transacted thereat; and such notice shall be posted at least five days before the date of such meeting on the public signpost in said borough.

Sec. 14. Section 8 of number 271 of the special acts of 1899, as amended by section 2 of the special acts of 1951, is amended to read as follows (*Effective from passage*):

The board of warden and burgesses shall hold its first regular meeting in each year within two weeks after the annual meeting, and thereafter meetings of said board may be called at any time by the warden or any four burgesses by leaving notice of such meeting with or at the usual place of domicile in said borough of the warden and each burgess, at least twenty-four hours before such special meeting or by sending such notice at least five days before any such meeting to any other mailing or electronic mailing address of the warden and each burgess designated by the warden or burgesses. A majority of the board of warden and burgesses shall constitute a quorum at any meeting. Each burgess shall have one vote, except as hereinafter provided, and a majority of the burgesses present and voting at any meeting shall be necessary to pass any act or resolution, except in the case of a tie vote, as hereinafter provided.

Sec. 15. Section 11 of number 271 of the special acts of 1899, as amended by section 3 of number 256 of the special acts of 1943, is amended to read as follows (*Effective from passage*):

The clerk shall be clerk of the borough and clerk of the board of warden and burgesses, and shall act as such at all meetings of the voters of said borough, and at all meetings of said board of warden and burgesses; and it shall be his duty to make and keep all the records of such meetings, and he shall be the custodian of all books, papers, and documents belonging to said borough and said warden and burgesses, except such books and documents as the treasurer shall be required to keep. All books, papers and documents so kept by the clerk shall be open to the inspection of any inhabitant of said borough at all reasonable times. He shall also post and serve all notices which may be required by the board of warden and burgesses, and shall perform such other clerical duty as may be required by said board or the voters of the borough, at any legal meeting. In the absence of the clerk, a clerk pro tempore may be appointed by the warden of the borough, and such clerk pro tempore, while acting as clerk, shall have all the powers and be subject to all of the duties of clerk; it shall also be the duty of the clerk, or in his absence the clerk pro tempore, to prepare a list of all the electors within the borough at the last preceding electors' meeting in said borough, forty-eight hours previous to the annual or any special meeting of the voters of the borough for the election of officers, to be used as a check list at such meeting; and

no person shall vote at any such meeting unless his name shall be on such list; and if such list cannot be prepared, then the list used at the last meeting of the voters of the borough for the election of officers shall, on the morning of the annual meeting, be revised by the wardens and any two burgesses, or in the absence or inability of the warden, by the clerk and any two burgesses, and be used until a certified list can be prepared. The name of any elector omitted from said list by clerical error may be added on election day by the presiding officer.

Signed by Governor on July 6, 2015