

# Resolution Incorporating the Borough of West Haven.

General Assembly, May Session, A. D. 1873

***Resolved by this Assembly:***

**Section 1.** That all the electors of this State, inhabitants of the town of Orange, in the county of New Haven, being within the following boundaries, to wit: Commencing at the northeasterly point, at the mouth of the creek commonly called Club Creek; thence following the creek to the center of the bridge on the new street called Front avenue, back of Widow Alling's house; thence in a direct line westerly, to a point in the center of the highway leading from West haven Green to Allingtown, said point being distant in a northerly direction one thousand and sixty-eight feet from the common center of the New Haven and Derby Railroad and said highway; thence from said pint in a due southwesterly direction by true meridian a distance of fifteen hundred feet; thence in nearly southerly direction to the common center of the New York and New Haven Railroad, and the highway leading northwesterly from the grist mill in West Haven; thence in a direct line to the center of the bridge over Mill River, on the main street leading westerly from the West Haven Green; thence, following Mill River, to Cove River; thence, following Cove River, to Long Island Sound; thence, along the shore of Long Island Sound, in nearly a northeasterly direction, to West Haven Bay, in nearly a northerly direction, to West River; thence, along the shore of said river, in same direction, to the point of starting, be, and hereby are ordained, constituted and declared to be a body politic and corporate, by the name of the Warden, Burgesses and Freemen of the Borough of West Haven, and by that name they and their successors for ever shall have perpetual succession, and shall be persons in law capable of sueing and being sued in all suits of every nature whatsoever, and may purchase, hold and convey any estate, either real or personal and may have a common seal, and may alter and exchange the same at pleasure, and shall be freemen of said borough.

**Section 2.** There shall be a meeting of the freemen of said borough annually, on the first Monday of May, at nine o'clock in the forenoon, at such place as the freemen of said borough shall, at any legal meeting, designate; at which meeting the officers of said borough shall be chosen, and such other business transacted as may legally come before said meeting; and such officers shall be sworn to discharge their duty faithfully, and shall hold their several offices until the next annual meeting, and until others shall be chosen and qualified in their stead; and the officers of said borough shall be a warden, six burgesses, a clerk, a treasurer, a bailiff and such other officers as the freemen of said borough may deem necessary.

**Section 3.** The first meeting of the freemen of said borough shall be holden in Thompson's Hall (or at such other place as may be designated in the notice hereinafter provided), in said West Haven, on the second Tuesday of August, A. D. 1873, at nine o'clock in the forenoon; and notice of said meeting shall be given by posting a proper notice of the same on the public sign-post in said West Haven, which notice shall be signed by Jarvis E. Kelsey, M. R. Shepard and D. B. Wheeler, or either two of them; and said notice shall be posted on said sign-post at least six days before the time of said meeting; and at said meeting shall be appointed the officers of said borough, who shall hold their respective offices until the annual meeting in May, 1874, and until others are chosen in their stead; and the freemen at said meeting shall appoint some person moderator, who shall preside at said meeting until a warden shall be appointed and sworn.

**Section 4.** All officers of said borough shall be chosen by ballot, and each freeman shall be permitted to vote for no more than three burgesses, in order that the minority of the freemen of said borough shall be represented by three burgesses; but all other officers of said borough shall be chosen by the majority of the freemen of said borough present, and voting at a meeting legally called for the election of officers for said borough.

**Section 5.** The freemen of said borough shall, at their first meeting, appoint the time and place of the first meeting of said warden and burgesses; but the time appointed by the said freemen for said first meeting of said warden and burgesses shall be within three weeks from the time of said first meeting of said freemen; and said warden and burgesses may adjourn their meetings from time to time, and a special meeting may at any time be called by the warden, or any four burgesses, by

posting a notice on said sign-post at least four days before the time appointed for such meeting; and a special meeting of the freemen of said borough may at any time be called by the warden, or any three burgesses, by posting a notice on said sign-post at least six days before the time appointed for such a meeting; and twenty freemen of said borough may, at any time, by petition, oblige said warden and burgesses to call such special meeting.

**Section 6.** In all meetings of the freemen of said borough, the warden shall preside, if present, and, in the absence of the warden, the senior burgess present shall preside.

**Section 7.** The warden and burgesses shall manage the affairs of said borough, and shall have the power and authority, and are hereby authorized and empowered to alter, widen or enlarge any highway or highways, streets or public walks, within said borough; and in the altering, widening or enlargement of said highway or highways, streets or public walks, the law regarding benefits and damages shall apply; and no highway or highways, streets or public walks, shall be so altered, widened or enlarged by said warden and burgesses, except in cases where the benefits assessed against property holders along said highway or highways, streets or public walks, shall pay the damages assessed, and at least three-fourths of the expense of making such alteration, widening or enlargement, unless otherwise ordered by the freemen of said borough, at a meeting legally called for that purpose; and said warden and burgesses shall constitute a board for the assessment of the benefits and damages aforesaid, and shall have full power and authority to assess benefits against and damages in favor of the proprietors of land adjoining any highway or highways, streets or public walks, which said warden and burgesses shall propose to alter, widen or enlarge, as aforesaid; and said warden and burgesses are hereby authorized and empowered to repair all highways within the limits of said borough; but, in making such repairs, said warden and burgesses shall not expend a greater sum of money than shall be appropriated by the town of Orange for said repairs, as provided in Sec. 1, chap. CI, of the Public Acts of Connecticut, passed at the May session, 1870, under an act entitled "An Act Relating to Borough Highways," unless otherwise ordered by the freemen of said borough, at a meeting legally called for that purpose; and said warden and burgesses shall have power and authority, and are hereby authorized and empowered, to oblige owners of property adjoining any street or highway, within

said borough, to make suitable sidewalks in front of such property and along said street or highway; but no person shall be required to build other than earth walk for the space of ( ) from the date of adoption of this charter; and said warden and burgesses shall have power and authority to prevent the laying out or opening of any public street or streets, highway or highways, within said borough, when they shall deem necessary, unless permission to lay out or open the same shall have been given by the freemen of said borough at a meeting legally called.

**Section 8.** At all meetings of said warden and burgesses, and in all business pertaining to their several offices, the warden and each of the burgesses shall have one vote, and the votes of the majority shall govern the actions of said warden and burgesses in all cases.

**Section 9.** The freeman of said borough may, at any legal meeting, order the laying out of new highways, streets or public walks within said borough, or the extension of any highway, street or public walk therein, or the discontinuance or exchange of the same for other highways, streets or public walks within said borough.

**Section 10.** The freemen of said borough may, at their first meeting or any subsequent one, ordain all such by-laws and regulations as they may deem necessary for the good government of said borough, or the management of its affairs, and may prescribe reasonable penalties for the violation of said by-laws, not exceeding seven dollars for one penalty, and may prescribe the manner of recovering the same; and may, at any legal meeting, lay taxes upon the rateable property within said borough, to pay the expenses of said borough.