

11-3 Consolidation of Stafford and the Borough  
General Provisions

**I-1. TITLE.** This enactment, made and ordained in conformance with the HOME RULE ACT, and specifically General Statutes of Connecticut, Sections 7-195 to 7-201, Revision of 1958, as amended, shall be entitled the **CONSOLIDATION ORDINANCE OF STAFFORD**.

**I-2. PURPOSE.** The purpose of this Consolidation Ordinance is (1) to consolidate the units of local government known as the Borough of Stafford Springs and the Town of Stafford; (2) to allocate the local governmental functions and services to existing or newly created offices, departments, boards, commissions or other agencies of the Town of Stafford; (3) to define the areas in which such services are to be rendered; (4) to establish necessary tax districts to pay the cost of certain services; (5) to abolish unnecessary offices, departments, boards, commissions or other agencies of the Borough; (6) to distribute the assets and liabilities of the Borough; and (7) to provide for any other matters required to effectuate the consolidation of the Borough and the Town and a unification of their governments.

**Consolidation Provisions**

**II-1. CONSOLIDATION.** The Borough of Stafford Springs and the Town of Stafford as heretofore established are hereby consolidated as one and the same body politic and corporate under the name "Town of Stafford" and comprising all that territory within the current boundaries of the Town of Stafford.

**II-2. VOTING DISTRICTS.** At all elections hereafter held, until otherwise provided by law, the Town in its entirety shall be comprised of three voting districts. These districts include the two voting districts established in the Town of Stafford pursuant to Special Act adopted July 15, 1874 as revised by the creation of the third voting district established and approved at the August 8, 1977 town meeting.

**II-3. CORPORATE POWERS.** All of the corporate powers heretofore enjoyed by the Borough of Stafford Springs, together with all additional powers conferred upon municipalities by the provisions of the General Statutes of Connecticut, as made and provided from time to time, shall continue to accrue to and inhere in the Town of Stafford without diminution by reason of the Consolidation Ordinance.

**II-4. CORPORATE SUCCESSION.** The Town of Stafford shall perform all the

duties and have and exercise all of the rights, powers and privileges relative to matters conferred by law upon the Borough of Stafford Springs and shall be the successor of said Borough in all matters pertaining thereto.

**II-5. PROPERTY RIGHTS AND OBLIGATIONS.**

1. On and after the effective date of this Consolidation Ordinance all property and other assets, all rights of action and all rights of every kind and description, together with all

liens and securities therefore, which are or have been vested in or belong, or have belonged, to the Borough of Stafford Springs, are hereby transferred to and vested in the Town of Stafford; and the said Town of Stafford is henceforth liable for all debts, obligations and other liabilities of the said Borough of Stafford Springs, whatever the kind or description, and the said Town shall be the successor of the said Borough with respect thereto.

2. All appropriations and bond or note authorizations of whatever sort heretofore approved by the Borough of Stafford Springs shall continue as valid appropriations and authorizations of the Town of Stafford for the use of the Service District even though unexpended or unissued. Any bonds or notes heretofore authorized by the Borough shall be issued hereafter by the Town, and the Board of Selectmen, or a majority thereof, and the Treasurer of the Town shall determine the particulars thereof, and the Treasurer of the Town shall determine the particulars thereof and exercise all other powers necessary for the proper issuance, sale and delivery thereof.
3. No tax shall be laid nor shall any appropriation be made by the Borough of Stafford Springs after the effective date of this Consolidation Ordinance. The Town of Stafford shall collect all outstanding taxes, penalties and interest of the Borough. All such outstanding taxes, penalties and interest of the Borough collected, after deducting the cost of collection thereof, shall be applied in accordance with appropriations of the Borough still in effect, and to pay the debts, obligations, liabilities and expenses of the Borough of Stafford Springs and the costs of the Service District services. All debts, obligations, liabilities and expenses of the Borough incurred as of the effective date of this Consolidation Ordinance and all borrowings authorized by the Borough as of the effective date of this Consolidation Ordinance and subsequently issued shall be paid from assets transferred to the Town from the Borough pursuant to this Consolidation Ordinance and from any special tax levied as provided in Section III-4 hereof unless otherwise voted by the Town.

**II-6. GOVERNMENTAL DUTIES AND OBLIGATIONS.** All of the duties and obligations of the Borough of Stafford Springs shall be performed or borne

henceforth by the Town of Stafford. All the governmental functions and services for the entire area of the Town of Stafford shall be allocated to the applicable offices, departments, boards, commissions and other agencies of the Town of Stafford, and all such functions and services previously rendered by either the Borough or the Town may only be rendered by the Town of Stafford.

**II-7. ELECTIVE AND APPOINTIVE OFFICES OF THE TOWN.** All of the elected and appointed officers of the Town of Stafford on the effective date of this Consolidation Ordinance shall continue to hold such positions, and persons hereafter continue to be elected and appointed to such positions in the same manner as heretofore provided by law, except as otherwise provided in this Consolidation Ordinance.

**II-8. ABOLITION OF BOROUGH OFFICES, DEPARTMENTS AND EMPLOYEES.** All offices, departments, boards, commissions and agencies of the Borough of Stafford Springs are abolished on the effective date of this Consolidation Ordinance including: (1) the Warden and

Burgesses, (2) the Borough Clerk and Treasurer, (3) the Tax Collector, (4) the Assessors, (5) the Health Officer, (6) the Tree Warden, (7) the Borough Fire Marshall and Assistant Fire Marshal, (8) the Baliff and Assistant Baliff, (9) the Borough Attorney, (10) the Borough Zoning Board of Appeals, (11) the Warden and Burgesses in their capacity as Borough Board of Public Health, (12) the Warden and Burgesses in their capacity as Justices of the Peace, (13) the Warden and the Burgesses in their capacity as Borough Board of Relief, (14) the Borough Water Pollution Control Authority, (15) the Borough Board of Water Commissioners, (16) the Borough Highway Department, (17) the Borough Police Department and (18) the Borough Fire Department.

Highway Department employees employed by the Borough of Stafford Springs as of the effective date of this Consolidation Ordinance may become employees of the Town of Stafford as of such date, but only with approval of the Board of Selectmen. All other Borough employees, if any, shall be terminated as of the effective date of this Consolidation Ordinance.

**II-9. TRANSITION PROVISIONS.** In order to effectuate the provisions of this Consolidation Ordinance and to facilitate the transition from the old forms of government of the Town and the Borough to the new form of unified municipal organization, the following provisions are made:

1. Following the effective date of this Consolidation Ordinance, the Board of Selectmen of the Town shall cause a detailed audit to be completed of the assets, liabilities, surplus, revenues and expenditures of the Borough of Stafford Springs as of the effective date of this Consolidation Ordinance.
2. Said audit shall be in a substantially similar format to the Town's annual audit. The cost of such audit shall be considered an expense of the Service District.
3. All officers, boards, commissions and agencies of the Borough of Stafford Springs shall survive the adoption date and continue with their duties until the effective date of commissions and agencies shall continue to exercise the powers and to perform the duties enjoyed by them prior to the adoption date of this Consolidation Ordinance and shall continue to receive the same remuneration, if any, until the effective date of this Consolidation Ordinance.
4. On or prior to the effective date of this Consolidation Ordinance all officers, departments, boards, commissions and agencies of the Borough of Stafford Springs shall turn over to their successors forthwith all books, records and property of every description.
5. All officers, departments, boards, commissions and agencies of the Town shall exercise all their powers and duties for the entire Town as of the effective date of this Consolidation Ordinance.

### **III. SERVICE DISTRICT**

**III-1. SERVICE DISTRICT AREA.** There is hereby created a Service District which shall include the territory of the Borough of Stafford Springs on the effective date of this Consolidation Ordinance. The territory of the Service District may be expanded to be added to or removed from the Service District.

**III-2. SERVICE DISTRICT SERVICES.** The Town may provide for the collection of solid waste and the operation, maintenance, repair and replacement of sidewalks, street lighting and fire hydrants in the Service District. Service District services shall be limited to such services. All cost of providing any such services in the Service District shall be allocated to the amounts in the Town's annual budget for the Service District, unless any such service is provided on a Town-wide basis. Such costs may include, but are not limited to, salaries, wages, payroll taxes, fringe benefits, past and future pension costs, liability insurance, hazard insurance on any property made available for use by the Service District and any other expenses directly or indirectly related to the provision or administration of such services, the costs of acquiring, using, operating, maintaining, repairing and replacing any real or tangible personal property which is made available for use in administering or providing such services in the Service District, and the cost of financing such costs including debt service on any financing by the Town. Such requirement shall not be a limitation on the power of the Town to issue its bonds or notes secured by full faith and credit of the Town to finance such costs.

**III-3. SERVICE DISTRICT COSTS.** The Town's annual budget shall include separately itemized amounts for the revenues and expenditures attributable to the

administration and provision of Service District services and any unpaid liabilities of the Borough of Stafford Springs. The Board of Selectmen shall include such amounts in its recommendations to the Board of Finance. Prior to submitting such recommendations each year, the Board of Selectmen shall solicit the recommendations of a Service District Commission. The Commission shall consist of seven electors and/or taxpayers of the Service District, at least four of which shall also be residents of the Service District. Members of such Commission shall be appointed by the Board of Selectmen for two year terms, except that at the first appointment of said Commissioners, three members shall be appointed for one year terms and the remaining members shall be appointed for two year terms. Members of said Commission shall serve without pay. The Commission shall hold a public hearing before submitting its recommendations to the Board of Selectmen. The Board of Selectmen may increase, decrease, eliminate or add any item or amount to the recommendations of the Commission before submitting its recommendations to the Board of Finance.

**III-4. SERVICE DISTRICT TAX.** The Service District shall constitute a separate taxing district for purposes of financing the provision and administration of Service District services and all unpaid debts, obligations, liabilities and expenses of the Borough of Stafford Springs. After adoption of the Town's annual budget, including the portion of such budget applicable to the Service District, the Board of Finance shall fix the tax rate in mills which shall be levied on the taxable property in the Service District for the next fiscal year. The tax levy shall be sufficient to raise sufficient taxes in addition to other revenues to defray the budgeted expenditures allocated to the Service District, any liabilities of the Borough of Stafford Springs, any estimated deficits for Service District costs, and shall take into consideration provision for uncollected taxes and other revenues, if any, shall be collected and invested by the Town and accounted for separately from other funds and accounts of the Town.

**III-5. ADDITIONAL APPROPRIATIONS.** Additional appropriations for the Service District expenditures may be made by the Board of Finance and the Town as provided in the Connecticut General Statutes.

**III-6. SERVICE DISTRICT FUND.** The Town shall hold in a separate fund or funds any funds and investments of the Borough of Stafford Springs existing on the effective date of this Consolidation Ordinance and shall deposit therein when received all accounts receivable, and uncollected taxes, penalties, interest and fees of the Borough of Stafford Springs. Money in such funds shall be applied as provided in Section II-5 C. If the money remaining in such separate funds is insufficient to defray the liabilities of the Borough, the Board of Finance may levy a special tax on the taxable property in the Service District sufficient to cover said liabilities. Any moneys remaining in such separate funds shall be used exclusively for the expenditures and liabilities of the Borough of Stafford Springs and of the Service District.

## **TAX DISTRICTS**

1. **TAX DISTRICTS.** The entire Town of Stafford shall comprise one tax district. In addition, the Service District shall constitute an additional tax district.

## **EXTENSION AND REPEAL OF EXISTING LAWS**

**V-1. TOWN LAWS AND ORDINANCES.** All ordinances, resolutions, regulations and bylaws of the Borough of Stafford Springs and special acts of the State of Connecticut pertaining to the Town, except insofar as they may be inconsistent with the provisions of this Consolidation Ordinance, shall continue in full force and effect as the organic law of the entire area of the Town until duly amended, repealed or superseded ; and all such enactments, or such parts of any of them, as may be inconsistent with this Consolidation Ordinance are repealed hereby.

**V-2. BOROUGH LAWS AND ORDINANCES.** All ordinances, resolutions, regulations, and bylaws of the Borough of Stafford Springs and special acts of the State of Connecticut pertaining to said Borough are repealed as of the effective date of this Consolidation Ordinance except for Sections 24, 28, 29, 30, 31,32, 33 and 34 of the By-Laws and Ordinances of the Borough of Stafford Springs, dated June 1<sup>st</sup>, 1887, which shall continue in full force and effect and are made ordinances of the Town until duly amended, repealed or superseded in the same manner as any other ordinance of the Town.

## **V-3. WATER POLLUTION CONTROL AUTHORITY.**

1. As of the effective date of this Consolidation Ordinance, the Town's Water Pollution Control Authority shall exercise all rights and duties and have all the powers of the sewer authority and sewer commission set out in the "Ordinance Creating a Sewer Authority" which was adopted August 30, 1967, the Sewer Ordinance adopted October 24, 1978, The Ordinance adopted March 27, 1979, and the Amendment to the Sewer Ordinance adopted February 5, 1987 all of which Ordinances shall be in full force and effect except to the extent any provision thereof is inconsistent with the provisions of this Consolidation Ordinance.

2. The Water Pollution Control Authority shall prepare an annual budget setting forth estimated revenues and proposed expenditures, at the same time, in the same form, and in the same manner for inclusion in the Selectmen's budget as all other Town offices, boards and commissions now or hereafter required to submit their budgets to the Board of Selectmen as set out in the 1967 Ordinance creating a Sewer Authority.
3. The Board of Finance shall review and act on the annual budget of the Water Pollution Control Authority in the same manner as it reviews and acts on all other budgets included in the Selectmen's budget.
4. Except as provided in paragraph E below, the Water Pollution Control Authority is further authorized to use any funds in its contingency fund for repairs, replacements and extensions of the Town's sewer system without prior approval from the Board of Selectmen or the Board of Finance or the Town Meeting.
5. All employees of the Water Pollution Control Authority is further shall be employees of the Town subject to the authority of the Board of Selectmen and all salaries and benefits for employees of the Water Pollution Control Authority shall be paid from funds of the Water Pollution Control Authority.
6. In accordance with the 1967 Ordinance creating a Sewer Authority, unless approved by the Board of Selectmen, the Water Pollution Control Authority shall not undertake to purchase or condemn real property or any interest therein or undertake to enter into any contract with any person outside the Town of Stafford or any municipality to provide or obtain sewerage system service for any sewerage.

## **SAVING CLAUSES**

**VI-1. UNCONSTITUTIONALITY OR OTHER INVALIDITY.** If any portion of this Consolidation Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or, for any other reason, invalid, such adjudication shall not effect the remainder hereof, but such remainder shall continue in full force and effect until duly amended, repealed or superseded.

## **VII. EFFECTIVE DATE**

**VII-1. EFFECTIVE DATES.** This Consolidation Ordinance shall take effect on the earlier of (a) January 1, 1992, or (b) on the first day of the second month following approval at a special election, except for the provisions contained in Section II-9 which shall take effect upon the adoption of this Consolidation Ordinance at referendum.

**VII-2. REFERENDUM APPROVAL.** This Consolidation Ordinance shall not take effect until it has been duly approved at a referendum of the electors of the Town of Stafford to be held in conformance with the provisions of Section 7-199, General Statutes of Connecticut, Revision of 1958, as amended.