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## **CHAPTER VIII MISCELLANEOUS PROVISIONS**

### **SECTION 8.1 TRANSFER OF POWERS**

Any office, board, commission or agency, hereafter referred to as office, which is operational at the time that this Charter shall take effect and shall be abolished by this Charter, shall continue in the performance of its duties until provisions have been made for the discontinuance of such offices and until the Town Clerk has notified the member(s) of such offices that successors have been qualified. The powers conferred on and duties imposed upon any office that is abolished by this Charter shall be transferred to the office performing like functions, powers and duties under the provisions of this Charter. Should the Board of Finance be abolished, all the powers conferred on and duties imposed upon this Board under the CGS, Charter or Ordinance, and in force at the time this Charter takes effect, shall be exercised and discharged by the Selectmen unless otherwise provided in this Charter.

### **SECTION 8.2 TRANSFER OF RECORDS AND PROPERTY**

All records, property and equipment of any office or part thereof all the powers and duties which are assigned to any other office by this Charter shall be transferred and delivered intact to the office to which such powers and duties are so assigned. If part of the powers and duties or any office or part thereof are by this Charter assigned to another office all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the office which such powers and duties are so assigned.

### **SECTION 8.3 LEGAL PROCEEDINGS**

No action or proceeding, civil or criminal, pending on the effective date of this Charter, brought by or against the Town or any office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office party thereto may be or under this Charter be assigned or transferred to another office, but in that event the same may be prosecuted or defended by the head of the office to which such functions, powers and duties have been assigned or transferred by or under this Charter.

#### **SECTION 8.4 AMENDMENT OF CHARTER**

This Charter may be amended in the manner prescribed by the CGS.

#### **SECTION 8.5 SAVING CLAUSE**

If any Section or part of any Section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which said Section or part thereof so held invalid may appear, except to the extent that an entire Section or part of a Section may be inseparably connected in meaning and effect with the Section or part of a Section to which such holding shall directly apply.

#### **SECTION 8.6 EFFECTIVE DATE**

This Charter shall become effective November 6, 1985. Wherever a change in the composition of a board or term of office is called for by this Charter, that change shall be effected by appointment or election, wherever appropriate, but no later than the next regular election affecting said board or office.

#### **SECTION 8.7 LAND USE**

Town Meeting approval shall be required before land or buildings owned by the Town shall be dedicated to departmental use or rededicated to a new departmental use. The Selectmen may hold a Public Hearing on this subject and shall make its recommendations along with concurrence from the Planning and Zoning Commissions to a Town Meeting before the Town land is committed to use. All reports concerning such proposed use shall be available to the public at the office of the Town Clerk at least fourteen (14) days prior to the Town Meeting.

## **SECTION 8.8 CODIFICATION AND RECODIFICATION OF ORDINANCES**

As soon as practicable after the adoption of this Charter there shall be prepared by a committee to be appointed by the Selectmen a codification of all Ordinances in force eliminating all obsolete and conflicting provisions. Said codification shall be passed by the Town Meeting as a single Ordinance and without prior publication. Upon its passage, it shall be published in such form and made available at such price as may be determined by the Town Meeting. A similar recodification shall be prepared, passed and published periodically at the direction of the Selectmen but not less frequently than every ten (10) years.

## **SECTION 8.9 OFFICIAL BONDS**

Authority is given to the Selectmen for the purpose of a blanket bond or individual bonds conditional upon honesty and good or faithful performance of official duties of those officials designated by Ordinance to post a Surety Company Bond. Premiums for any official bonds shall be borne by the Town.

## **SECTION 8.10 TERMINOLOGY**

Wherever appropriate in this Charter, masculine terms shall be read as the feminine or neuter equivalent, singular terms as the plural equivalent, and vice versa, all as the sense may require.

Amendments to the Marlborough Town Charter were published in full in the HARTFORD COURANT a newspaper having circulation in the Town of Marlborough on the 27th day of August, 1985. The question of approval or disapproval by the electorate on the voting machines

was approved on November 5, 1985 at the municipal election.

**BOARD OF SELECTMEN**

Anthony J. Maiorano, First Selectman

Douglas H. Secord, Selectman

William V. Black, Selectman