

# CHARTER





# **Charter of the Town of Newtown State of Connecticut**

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# TOWN OF NEWTOWN

## PREAMBLE

## CHARTER

We, the proprietors and inhabitants of the Town of Newtown, being duly qualified electors of the State of Connecticut, and in the exercise of those privileges, liberties and powers which we have enjoyed since the eleventh day of October, 1711, in order to preserve and protect the property and personal well-being and to promote the individual and general welfare of all our citizens, do hereby declare that this Charter shall constitute our form of government.

## CHAPTER 1 INTRODUCTION

### 1-01 Incorporation

- (a) All the inhabitants dwelling within the lawfully defined territorial limits of the Town of Newtown shall continue to be a body politic and corporate under the name of the "Town of Newtown", hereinafter called "the Town". As such, it shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the **Town** and not inconsistent with the provisions of this Charter and all powers and privileges conferred upon towns under the **General Statutes** of the State of Connecticut.

### 1-05 Rights, Obligations and Actions Continued

- (a) All property interests, both real and personal, all actions, causes of action, defenses thereto and rights of every description and all liens possessed by the **Town** as of the effective date of this Charter shall be continued in the **Town**. The **Town** shall continue to be liable for all debts and obligations of every kind for which the **Town** is liable on that date. Nothing herein shall be construed to affect the right of the **Town** to collect any assessment, charge, debt or lien. Any rights or obligations of a **Town Department** that would fail, lapse or fall into breach by reason of any change in the powers, organizations or duties of **Town** officers, boards,



commissions or authorities resulting from this Charter shall be assumed by the Board of Selectmen, unless otherwise provided by ordinance, resolution or the terms of this Charter.

### **1-10 Powers of Town**

- (a) In addition to all powers granted to towns under the State of Connecticut Constitution and the **General Statutes**, the **Town** shall possess all powers granted by this Charter and all powers proper, incidental or convenient to their exercise. The **Town** shall also possess the powers incident to the management of its property, government and affairs, including the capacity and power to enter into contracts with the United States or any Federal Agency, and the State of Connecticut or any political instrumentality thereof, for any purposes not prohibited by law.

### **1-15 Effect of Charter**

- (a) This Charter shall be the organic law of the **Town** in the administration of its local affairs. Special acts and ordinances inconsistent with this Charter and superseded by it shall have no further force or effect after the effective date of this Charter. Other special acts affecting the **Town**, and all other ordinances and resolutions duly adopted and in force before the effective date of the Charter, remain in force, but shall not apply whenever they conflict with the provisions of this Charter.

### **1-20 Summary of Governance**

- (a) The Chief Executive and Administrative Officer of the **Town** shall be the First Selectman.
- (b) The administrative body of the **Town** shall be the Board of Selectmen.
- (c) The legislative body of the **Town** shall be the Legislative Council.

### **1-25 General Provisions**

The following provisions shall apply throughout this Charter unless otherwise specified:

- (a) Definitions: The following terms (in bold text throughout the document) shall have the meaning ascribed to them below.
- (1) **Financial Impact Statement:** The term "Financial Impact Statement" shall describe a document that includes the analysis of all costs and liabilities to be incurred by the **Town** as a result of the use of a **Special Appropriation**, grant or gift of real or tangible personal property.
  - (2) **General Statutes:** The term "General Statutes" shall be used in this Charter when referring to the Connecticut **General Statutes**, as amended.
  - (3) **Legislative Council District:** The term "Legislative Council District" shall be used in this Charter as defined in Section 3-10.
  - (4) **Resident Elector:** The term "Resident Elector" shall describe a person who is registered to vote in the **Town** and whose principal residence is in the **Town**. A person who has filed an application for the retention of electoral privileges with the Registrar of Voters shall be considered a **Resident Elector** for so long as the application for retention of elector privileges is in effect.
  - (5) **Town:** The term "Town" shall be used in this Charter as defined in Subsection 1-01(a).
  - (6) **Town Body:** The term "Town Body" shall include the Legislative Council and each board, commission, and authority defined herein and any other body or group which is designated a **Town Body** by the Legislative Council.
  - (7) **Town Department:** The term "Town Department" shall include, for example, the offices of the Tax Collector, Town Clerk, Assessor, Registrar of Voters, Public Works Department, Board of Education, and any other **Town Body** to which funds are appropriated in the **Town Budget** and any other body or group which is designated a **Town Department** by the Legislative Council on or before October 1st in the year prior to the adoption of the **Town Budget**.

- (8) **Town Election:** The term “Town Election” shall be used for elections held bi-annually on the Tuesday after the first Monday of November in the odd-numbered years.
- (9) Budget related definitions are contained in Subsection 6-01(a).
- (10) Real property acquisition and disposition related definitions are contained in Subsection 8-01(a).
- (b) **Public Notice:** In any instance in which public notice is required the same shall be served by causing its publication in a newspaper having a substantial circulation in the **Town** unless a different method of notice is provided for in the **General Statutes**.

## CHAPTER 2 MEMBERSHIP, RULES, AND DUTIES FOR NEWTOWN OFFICES

### 2-01 General Provisions

- (a) All members and alternates of **Town Bodies** shall have the powers and duties conferred and imposed on them by the **General Statutes**, the provisions of this Charter, and the regulations or by-laws of and for the body on which they serve. Members and alternates of appointive **Town Bodies** shall also be subject to the powers and duties prescribed by ordinance, if such ordinance exists.
- (b) The rules contained in the then current edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with this Charter and any special rules of order that may be adopted.
- (c) All elected and appointive **Town Bodies** may make rules for the conduct of their meetings and the manner for accomplishing their duties. Such rules shall be filed with the Town Clerk.
- (d) The First Selectman shall be an ex officio member of all **Town Bodies**, but without vote and not counted for the purpose of having a quorum except as a member of the Board of Selectmen. The First Selectman shall be given reasonable notice of all meetings of **Town Bodies** by their chairmen or secretaries, and may in writing appoint another member of the Board of Selectmen to represent him or her at any meeting of such **Town Body**.
- (e) All elective and appointive officers, before they enter on their duties, shall take the oath or affirmation prescribed by Article XI, Section 1 of the Constitution of the State of Connecticut, as follows: "You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States and the Constitution of the State of Connecticut, as long as you continue to be a citizen thereof, and that you will faithfully discharge, according to law, the duties of the office of \_\_\_\_\_ to the best of your abilities. So help you God." No other oath or affirmation shall be required.

## 2-05 Eligibility

- (a) Unless otherwise specified, only **Resident Electors** of the **Town** shall be eligible for election to any **Town** office or appointment to any appointive board. Any person ceasing to be a **Resident Elector** of the **Town** shall thereupon cease to hold elective or appointive office in the **Town** and the office shall be deemed vacant.
- (b) No person shall hold more than one elective office of the **Town** at the same time.
- (c) Any **Resident Elector** of the **Town**, regardless of whether they have party affiliation, may run for public office. Specifics regarding procedures for securing a position on the election ballot are available by contacting the Elections Division of the Secretary of the State's Office, the Town Clerk's Office, or the Registrar of Voters' Office.
- (d) Specific rules regarding eligibility for certain offices or **Town Body** are contained in the following subsections discussing such **Town Body**:
  - (1) **First Selectman**: The First Selectman shall have no other full time employment nor hold any paid civil office under the government of the United States, the State of Connecticut, or any subdivision thereof, except that of Notary Public and Justice of the Peace.
  - (2) **Board of Selectmen**: No member of the Board of Selectmen, while in office, shall hold or be appointed to any other office or employment in the government of the **Town**.
  - (3) **Legislative Council**: No member of the Legislative Council shall hold or be appointed to any other **Town** office or **Town Body**. Except as provided for in Subsection 2-30(b), members of the Legislative Council shall reside in the **Legislative Council District** from which they were elected.
  - (4) **Police Commission**: No member of the Board of Police Commissioners shall be a member or officer of the

Newtown Police Department, the Chief of Police, or a member of any other **Town Body**.

- (5) Board of Fire Commissioners: Eligibility to serve on the Fire Commission is described in Subsection 2-235(b).
- (6) Building Appeals Board: Members shall be qualified by training and experience on matters pertaining to building construction. Subsection 2-05(a) shall not apply.
- (7) Public Building and Site Commission: Members shall include those who are qualified by training and experience on matters pertaining to building design, construction or contractual instruments.

## 2-10 Minority Representation

- (a) Except as specifically provided in this section, the maximum number of members of a **Town Body**, whether elected or appointed, who are members of the same political party shall be determined in accordance with the provisions of Section 9-167a of the **General Statutes**. In addition, the maximum number of alternate members for any given board or commission shall also conform to the provisions of 9-167a:  
To Wit:

Total Membership	Maximum for One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
more than 9	2/3rds of total membership

- (b) Exceptions are as follows:

- (1) Legislative Council: The number of members of any one political party who may serve on the Legislative Council

shall not exceed 3 of the 4 members elected from each **Legislative Council District**.

- (2) Board of Education: The number of members of any one political party who may serve on the Board of Education shall not exceed 4.
  - (3) Police Commission: The number of members of any one political party who may serve on the Police Commission shall not exceed 3.
  - (4) Board of Managers of the Edmond Town Hall: At each regular **Town Election**, 2 members of the Board of Managers of the Edmond Town Hall shall be elected, neither of whom may be members of the same political party.
  - (5) Board of Fire Commissioners: Provided members are appointed as set forth in this Charter, the Board of Fire Commissioners shall be exempt from the provisions for minority representation.
  - (6) Board of Ethics: At no time shall more than 3 regular members and one alternate member of the Board of Ethics be of the same political party.
  - (7) Public Building and Site Commission: The Public Building and Site Commission shall have no more than 4 members and one alternate member from one political party.
  - (8) Justices of the Peace: The political affiliation of Justices of the Peace shall be determined as provided in the **General Statutes** [see Section 9-183a, et seq.].
- (c) As provided in Section 9-167a of the **General Statutes**, minority representation limitations in Subsection 2-10(a) shall not apply to regional bodies.

## **2-15 Terms and Term Limits**

- (a) The term lengths and term limits, if any, for every elected official, elected or appointed member of **Town Bodies** are set forth in sections establishing said office or **Town Body**.
- (b) The terms of office of all elected officials shall commence on the December 1st following their election unless otherwise

provided by a specific provision of this Charter or the **General Statutes**. Each elected official shall hold office until a successor is elected and has qualified.

- (c) The terms of office of members of all appointive **Town Bodies** shall commence on January 7th except for the Trustees of the Cyrenius H. Booth Library whose terms shall commence on July 1st, or as otherwise required by law.
- (d) The terms of appointment to any appointive **Town Body**, except the Building Appeals Board, shall not exceed 4 years.
- (e) The terms of members seated on appointive **Town Bodies** shall be established to expire, as nearly as possible, at regularly staggered annual intervals, unless otherwise provided by this Charter or by the **General Statutes**.

## **2-20 Officers of the Legislative Council, Boards, Commissions, and Authorities**

- (a) The First Selectman shall be the chairman and shall preside over meetings of the Board of Selectmen. The First Selectman shall not be an officer on any other **Town Body**.
- (b) All other **Town Bodies** shall elect from their number a chairman during the first meeting.
- (c) The members of the Legislative Council shall also elect from their number a vice chairman during the first meeting.
- (d) The Board of Education may elect a vice chairman and shall elect a secretary from its members.
- (e) All other **Town Bodies** may elect a vice chairman and a secretary.

## **2-25 Voting**

- (a) It shall be the duty of every member present at any **Town Body** meeting to vote affirmatively or negatively on each question raised. Should a member have a conflict of interest, said member shall refrain from discussion and voting. The reason for the conflict of interest need not be stated nor made part of the record.



## 2-30 Vacancies on the Legislative Council, Boards, Commissions, and Authorities

- (a) A vacancy shall be created in the event that any one of the following occur: the death of a member; the resignation submitted by a member and filed with the Town Clerk, who shall immediately notify the Chair of the affected **Town Body**; a member ceases to meet the eligibility requirements as described in Section 2-05; or, for appointive boards, a member is removed for cause. The vacancy shall take effect on the date of such event.
- (b) Should a member of the Legislative Council move from one **Legislative Council District** to another, such a move shall not constitute the creation of a vacancy provided that the member otherwise remains eligible for **Town** office. Should the member's seat become vacated subsequent to such move, the vacancy shall be filled by a member appointed from the district from which the member was originally elected.
- (c) If a person vacating an elective **Town Body** shall have been elected as a member of a political party, the vacancy shall be filled by a member of the same political party.
- (d) If a person vacating an appointive **Town Body** was appointed as a member of a political party, the vacancy shall be filled by a member of the same political party or by an unaffiliated **Resident Elector**. If the newly appointed member is an unaffiliated elector and must vacate his appointment, the person appointed to fill such a vacancy must be either an unaffiliated elector or a member of the same political party as the person initially appointed.

## 2-31 Procedures for Filling Vacancies in Elected Town Bodies

- (a) Legislative Council: A vacancy or vacancies on the Legislative Council shall be filled for the remainder of the term from among eligible **Resident Electors** in the **Legislative Council District** of the former member as follows:

- (1) Within 30 days of vacancy, by majority vote of the Legislative Council members of the same political party of the former member;
  - (2) After 30 days, by majority vote of the remaining members of the Legislative Council regardless of party affiliation.
  - (3) Should all seats on the Council be simultaneously vacant, then a special election shall be called to fill all seats.
- (b) Board of Selectmen: A vacancy or vacancies on the Board of Selectmen shall be filled in the manner prescribed by Section 9-222 of the **General Statutes**.
- (c) For all other elected **Town Bodies**, a vacancy or vacancies shall be filled as follows:
- (1) Within 30 days of vacancy, by a majority vote of the remaining members of the **Town Body**;
  - (2) From 31 to 60 days of vacancy, by appointment of the First Selectman with the approval of the Board of Selectmen.
  - (3) Should the number of vacancies leave less than a majority of the membership, the First Selectman with the approval of the Board of Selectmen, within 30 days, shall fill all existing vacancies.

## **2-32 Procedures for Filling Vacancies in Appointive Boards and Commissions**

- (a) Vacancies in offices originally appointed by the First Selectman shall be filled as follows:
- (1) Within 45 days by the First Selectman, with the approval of the Board of Selectmen, or
  - (2) After 45 days by the remaining members of such board or commission subject to the provisions of Sections 2-05 and 2-10 of this Charter.
- (b) All vacancies in the Cyrenius H. Booth Library Board of Trustees other than those seats originally appointed by the

First Selectman shall be filled in accordance with the by-laws of the Library Board of Trustees.

- (c) Vacancies in the Board of Fire Commissioners shall be filled in accordance with Subsection 2-235(b) of this Charter.

## **2-35 Use of Alternates**

- (a) In the absence of one or more regular members and alternate members exist; present regular members of the **Town Body** shall designate alternate(s) to act in the absent members' place. Alternates shall be chosen in rotation so that they shall act as nearly equal a number of times as possible.

## **2-40 Removal for Cause**

- (a) A member of an appointive board or the Building Inspector, Town Assessor or Tax Collector may be removed for cause by the First Selectman with the approval of the Board of Selectmen.
- (b) The First Selectman, with the approval of the Board of Selectmen, shall adopt a personnel policy establishing procedures, consistent with due process, for removal for cause.
- (c) Within 30 days from such removal, any person so removed may, in writing, request a hearing before the Legislative Council. Such hearing shall be held within 15 days from the date such request is made and such person may appear at the hearing with counsel. After such hearing, the decision of the Board of Selectmen may be reversed, modified or upheld by said Legislative Council, provided said Legislative Council acts no later than 30 days after the conclusion of such hearing.

## **2-45 Compensation**

- (a) The Town Clerk shall receive a salary in lieu of all fees and other compensation. The Town Clerk's salary shall be set from time to time by the Legislative Council.
- (b) The Registrars of Voters shall receive a salary as set from time to time by the Board of Selectmen.

- (c) The salary for the First Selectman's term shall be set by the Legislative Council during the budget making process of each odd numbered year. The salary may be fixed at different rates for each year of the term. The salary shall not be changed during the term of office.
- (d) The members of elected and appointed boards, commissions, and authorities, except the First Selectman, shall serve without compensation. Necessary expenses incurred in the performance of their duties may be paid from an appropriation authorized for the purpose.

## **2-50 Administrative Clerks**

- (a) All **Town Bodies** shall have an administrative clerk. Such clerks, as authorized by this Charter, shall keep minutes of meetings, record all motions, votes and actions of their assigned **Town Body**, prepare the agenda and notices of all regular and special meetings or cancellation of said body at the direction of its chairman and perform such other duties as such chairman, from time to time, shall direct.

## **2-100 Elected Boards, Commissions, and Officers**

There shall be the following elected boards, commissions, and officers.

## **2-105 Legislative Council**

- (a) Summary of General Responsibilities: All of the legislative powers of the **Town** conferred by the **General Statutes** on Legislative Bodies shall vest in the Legislative Council with the exception of those items specifically enumerated to other **Town Bodies**. The Council determines the annual **Town Budget** and considers **Special** and **Emergency Appropriations** as set forth in CHAPTER 6. The Legislative Council shall have the power to enact, amend or repeal ordinances as set forth in CHAPTER 5.
- (b) Membership and Terms:
  - (1) The Legislative Council shall consist of 12 members, 4 of whom shall be elected from each of 3 **Legislative**

**Council Districts**, established in accordance with Section 3-10 of this Charter.

- (2) The term of office shall be two years.
- (c) The Legislative Council, from time to time, may adopt rules of procedure to govern its functions not inconsistent with the requirements of this Charter, provided such rules are adopted by at least eight (8) affirmative votes.
- (d) Meetings – The Legislative Council shall adhere to the following:
  - (1) The first meeting of the newly elected Legislative Council, chaired by the Town Clerk, shall be held within 6 days after the members take office.
  - (2) Regular meetings shall be held twice a month, except when there is no business to conduct. The chairman shall notify the Town Clerk and the membership of the cancellation. The chairman may call special meetings as deemed necessary.
  - (3) Notice shall be given to all members of the Legislative Council of the time and place at which all regular and special meetings are to be held. Each notice shall include the meeting agenda and shall be delivered at least 3 days before the meeting and filed with the Town Clerk and made available for public inspection.
  - (4) The Legislative Council may hold an emergency meeting at the immediate call of the chairman. The meeting shall be subject to ratification of the chairman's decision that an emergency existed by at least eight (8) affirmative votes. The nature of the emergency shall be set forth fully in the minutes of the meeting.
  - (5) Seven members of the Legislative Council shall constitute a quorum at all meetings for the transaction of business.
  - (6) The agenda of each regular or special meeting of the Legislative Council shall be prepared by the chairman. The agenda shall also include any matter or item, including without limitation any action or ordinance, set

forth in a written request filed with the chairman not less than 7 days prior to such meeting by:

- (i) Any member of the Legislative Council;
  - (ii) The First Selectman; or
  - (iii) Not less than 80 **Resident Electors** of the **Town**. Any such request filed by 80 **Resident Electors** shall contain the resolution or ordinance on which action is sought. Prior to appearing on an agenda, the resolution or ordinance shall be submitted to the Town Attorney, by the chairman of the Legislative Council, for his opinion as to the power of the Legislative Council to act thereon. Such opinion or approval shall not be unreasonably delayed.
- (7) Any **Resident Elector** of the **Town** may speak during a portion of each regular or special meeting on any matter on the Agenda of that meeting or any other item, subject to such conditions, rules and regulations as may be established from time to time by the Legislative Council, including the right to limit public participation in the working sessions on the budget.
- (8) Subject to appropriate rules of order adopted by the Legislative Council and Connecticut law on freedom of information, matters not on the agenda may be discussed. No action shall be taken by the Legislative Council on any matter unless it appears on the agenda sent to Legislative Council members with the notice of the meeting unless emergency action is required at any regular or special meeting at which it is found by at least eight (8) affirmative votes that an emergency exists or at an emergency meeting called as set forth in Subsection 2-105(d)(4).

## **2-110 First Selectman**

- (a) Summary of General Responsibilities: The First Selectman shall be the Chief Executive and Administrative Officer of the **Town** and shall have the powers and duties of First Selectmen prescribed by this Charter and the **General Statutes**.

- (b) The First Selectman shall be responsible to the Board of Selectmen for the administration of departments under the direct supervision of the Board and shall execute or cause to be executed regulations or resolutions voted by the Board of Selectmen and **Town** ordinances voted by the Legislative Council.
- (c) The First Selectman may declare, by resolution, a state of emergency, should he or she find that a state of emergency exists within the **Town**, requiring immediate action to protect the health, safety or general welfare of the citizens. The resolution shall include the exact nature of the emergency and be simultaneously published by the most effective means available. The declaration shall be effective for a period of time not to exceed 5 calendar days. The emergency declaration may be extended by an affirmation by the Legislative Council that a state of emergency still exists. Any actions necessary to deal with such emergency proposed during an extension shall be approved by the Legislative Council. The First Selectman shall take such actions as are in the best interest of the **Town**.
- (d) At the first meeting following the **Town Election**, the Board of Selectmen shall choose a member of the Board who shall serve as Acting First Selectman during the absence, incapacity or disability of the First Selectman. Such person shall perform all duties during such time as the Board may designate by resolution or regulation.

## **2-115 Board of Selectmen**

- (a) Summary of General Responsibilities: The Board of Selectmen shall supervise the administration of the affairs of the **Town**, except those matters which by the **General Statutes** or this Charter are exclusively committed to the Board of Education or other **Town Bodies**. The Board of Selectmen shall also be responsible for coordinating the activities of all the departments of the **Town** and for reviewing the present and future needs of the **Town**.

(b) Membership and Terms:

(1) The Board of Selectmen shall consist of the First Selectman and two Selectmen.

(2) The term of office shall be two years.

(c) The Board of Selectmen may exercise any of the powers conferred on towns by the **General Statutes** to the extent that the Legislative Council has not already acted by ordinance or resolution on such subjects and to the extent that such powers have not otherwise been granted or limited by this Charter to other **Town Bodies** or officers.

(d) Except for the powers granted to the Board of Education by the **General Statutes**, the Board of Selectmen shall have sole power, subject to the provisions of this Charter and the **General Statutes** to:

(1) Incur indebtedness in the name of the **Town** and to provide for the due execution of evidences of indebtedness issued by the **Town**, subject to the provisions of Section 7-10 of this Charter,

(2) Provide for the due execution of contracts for the **Town**, subject to the provisions of Subsection 7-15(e) of this Charter,

(3) Institute, prosecute or compromise any legal action or proceeding by or against the **Town**, subject to the approval of the Legislative Council and, when relevant, the affected department or **Town Body**,

(4) Defend the **Town** by legal action or proceeding,

(5) Apply for any financial assistance by the State of Connecticut and the United States Government including grants to fund any appropriation, subject to the provisions of Section 6-40 of this Charter,

(6) Take, purchase, lease, sell, or convey tangible personal property of or for the **Town**. **Real Property Acquisition and Disposition** is addressed in CHAPTER 8,

(7) Accept public highways, to approve the layout of public highways and related drainage, slope or other easements,



to approve the **Acquisition** of real property or interests in real property for the purpose of widening or realignment of existing public highways and to grant utility easements across town-owned property for the good of the **Town**,

- (8) Discontinue any town-owned public highway,
  - (9) Require such reports from any **Town Body** as may be useful in the performance of its duties,
  - (10) Submit annually to the Board of Finance a proposed budget for the next fiscal year subject to the provisions of Subsection 6-05(b) of this Charter.
- (e) The First Selectman with the approval of the Board of Selectmen may, by resolution, establish such advisory or study committees as they find desirable in the discharge of their duties.
  - (f) The Board of Selectmen shall have regular meetings and provide a procedure for calling special meetings.
  - (g) A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business.
  - (h) The Board of Selectmen may call joint meetings with other **Town Bodies**, by resolution or regulation, as may be useful in the performance of its duties subject to the provisions the **General Statutes**.

## **2-120 Board of Education**

- (a) Summary of General Responsibilities: The Board of Education shall provide and maintain good public elementary and secondary schools and shall provide such educational activities as in its judgment will best serve the interests of the **Town**. The Board of Education shall perform all acts required of them by this Charter or as necessary to carry into effect the powers and duties imposed upon them by law.
- (b) Membership and Terms:
  - (1) The Board of Education shall consist of 7 members.

(2) The term of office shall be 4 years.

## **2-125 Board of Finance**

(a) Summary of General Responsibilities: The Board of Finance recommends a budget proposal and submits it to the Legislative Council for final action as set forth in Section 6-15. In addition, the Board advises the Board of Selectmen and Board of Education during the budget process and all **Town Bodies** on preferred financial practices and obligations. The Board of Finance also reviews and assesses financial operations including transfers, regular and **Special Appropriations**.

(b) Membership and Terms:

(1) The Board of Finance shall consist of six members.

(2) The term of office shall be two years.

## **2-130 Planning and Zoning Commission**

(a) Summary of General Responsibilities: The Planning and Zoning Commission is responsible to promote the orderly and coordinated development of the **Town**. The Commission controls and directs the use and development of property in the **Town**. The Planning and Zoning Commission, subject to the provisions of this Charter, shall have all of the powers and duties conferred and imposed by the **General Statutes** upon both Planning and Zoning Commissions. It acts as the Planning Commission for the Borough of Newtown and shall, to the extent that it is so empowered by ordinance of the Borough of Newtown, act as Zoning Commission for the Borough of Newtown.

(b) Membership and Terms:

(1) The Planning and Zoning Commission shall consist of 5 members and three alternates.

(2) The term of office for members and alternates shall be four years and two years, respectively.

## 2-135 Town Clerk

- (a) Summary of General Responsibilities: The Town Clerk is responsible for administrative work for the **Town** including the maintenance and safe-keeping of a variety of official municipal documents; issuance of various licenses and permits; and the recording of various documents and vital statistics.
- (b) Membership and Terms:
  - (1) There shall be one Town Clerk.
  - (2) The term of office shall be four years.
- (c) The Town Clerk shall exercise the powers and perform the duties of a Town Clerk as provided by the **General Statutes** except as hereinafter provided and shall perform such other duties as required by this Charter.
  - (1) The receipts to be paid to the Town Clerk shall be collected in accordance with the provisions of the **General Statutes** or this Charter or ordinances of this **Town** and shall be deposited with the Finance Director of the **Town**.
  - (2) The Town Clerk shall also keep a record of receipts, which shall show the amounts thereof and for what received.

## 2-140 Registrars of Voters

- (a) Summary of General Responsibilities: The Registrars of Voters are responsible for voter registration and the administration of all elections. They also assist candidates, the public, and the parties in the preparation of specialized voter lists and individual requests for voter information.
- (b) Membership and Terms:
  - (1) There shall be two Registrars of Voters for the **Town** at large, one from each political party.
  - (2) The term of office shall be four years.

## **2-145 Board of Assessment Appeals**

- (a) Summary of General Responsibilities: The Board of Assessment Appeals shall hear and decide appeals from property owners regarding the assessment of their property as and when provided by the **General Statutes**.
- (b) Membership and Terms:
  - (1) The Board of Assessment Appeals shall consist of three members.
  - (2) The term of office shall be four years.

## **2-150 Board of Managers of Edmond Town Hall**

- (a) Summary of General Responsibilities: The Board of Managers of the Edmond Town Hall shall have the exclusive care and maintenance of Edmond Town Hall and all grounds and buildings appurtenant thereto and shall have the status, powers and duties set forth in Special Act No. 98 of the 1931 session of the General Assembly as amended by Special Act No. 517 of the 1953 session of the General Assembly, which acts shall remain in full force and effect, except to the extent superseded or revised by this Charter.
- (b) Membership and Terms:
  - (1) The Board of Managers of the Edmond Town Hall shall consist of six members.
  - (2) The term of office shall be six years.

## **2-155 Zoning Board of Appeals**

- (a) Summary of General Responsibilities: The Zoning Board of Appeals has powers as provided in Section 8-6 of the **General Statutes**, including but not limited to granting variances of zoning regulations and hearing appeals.
- (b) Membership and Terms:
  - (1) The Zoning Board of Appeals Board shall consist of five members and three alternates.
  - (2) The term of office for the members and the alternates shall be four years and two years, respectively.

## 2-160 Board of Police Commissioners

- (a) Summary of General Responsibilities: The Board of Police Commissioners shall maintain a Police Department in the **Town** and shall appoint a Chief of Police. In addition, the Board of Police Commissioners serves as the traffic authority of the **Town**.
- (b) Membership and Terms:
  - (1) The Board of Police Commissioners shall consist of five members.
  - (2) The term of office shall be four years.
- (c) The Board of Police Commissioners shall, subject to budgetary limitations, have all of the powers now or hereafter granted to Boards of Police Commissioners by the **General Statutes** and, in addition to and not in limitation thereof, shall have the power to:
  - (1) Make all the regulations necessary to organize and maintain the Police Department including, without limitation, the establishment of ranks within said Department and the duties and responsibilities of each such rank.
  - (2) Appoint and promote members and officers of the Police Department in accordance with said regulations. Such members and officers shall continue to hold office during good behavior.
  - (3) Suspend and remove members and officers of the Police Department for cause in accordance with said regulations. A violation of the regulations adopted by the Board of Police Commissioners shall be sufficient cause for removal.
- (d) The Chief of the Police Department shall not be dismissed unless written notice of the specific grounds for such dismissal is given, as well as an opportunity to present a defense, personally and by counsel, at a public hearing before the Board of Police Commissioners. Such public hearing shall be commenced not less than 5 nor more than 10 days after

such notice. Any person so dismissed may appeal in the manner described by Section 7-278 of the **General Statutes**.

- (e) The members and officers of the Police Department shall have the authority with respect to the service of criminal process and the enforcement of the criminal laws as vested by the **General Statutes** in officers and members of an organized police department or force.

## **2-200 Appointive Authorities, Boards, Commissions and Officers**

### **2-201 General Provisions**

- (a) Board and commission members and authority delegates shall be appointed by the First Selectman with the approval of the Board of Selectmen unless hereinafter specified. All appointments to fill unexpired terms shall be for the duration of said unexpired term only.
  - (1) A First Selectman whose position as First Selectman will end as a result of not being re-elected to the office shall not make appointments from the date of the **Town Election** to the end of his/her term. The period from the **Town Election** to the beginning of the next term shall not be counted in the 45 days referred to in Subsection 2-32(a).
- (b) Appointive boards, other than those required by this of this Charter, may be created, abolished and consolidated; their powers and duties established, altered and repealed; and the number and terms of office of their members established and changed by ordinance.
- (c) Appointive boards required by this Charter or hereafter created by ordinance other than the Board of Fire Commissioners and the Board of Ethics may, in their discretion, appoint associate members, with voice but without vote, for terms no longer than the terms of members of the appointing board.

## **2-205 Aging, Commission on**

- (a) Summary of General Responsibilities: There shall be a Commission on Aging to advocate for seniors and identify the needs of and coordinate services and programs that support the well-being of Newtown senior residents and act as their agent for other Federal, State or **Town** boards, commissions, authorities or agencies or local private groups to carry out programs for senior residents.
- (b) Membership and Terms:
  - (1) The Commission shall consist of 9 regular members and 3 alternate members.
  - (2) The term of office shall be three years for regular members and two years for alternate members.

## **2-210 Building Appeals Board**

- (a) Summary of General Responsibilities: The Board of Building Appeals shall hear appeals related to all building matters.
- (b) Membership and Terms:
  - (1) The Commission shall be composed of five members.
  - (2) The term of office shall be five years.
- (c) No member of said Board shall vote on any question concerning a matter in which he is engaged as a contractor, material dealer, architect or engineer, or in which he has a personal interest.

## **2-215 Conservation Commission**

- (a) Summary of General Responsibilities: There shall be a Conservation Commission, as established by ordinance, for the development and conservation of natural resources within the territorial limits of the **Town**. The Commission shall advise on the appropriate use and management of the natural resources for the **Town**.
- (b) Membership and Terms:
  - (1) The Commission shall consist of 7 members.
  - (2) The term of office shall be four years.

## **2-220 Cultural Arts Commission**

- (a) Summary of General Responsibilities: The Newtown Cultural Arts Commission shall exist to stimulate, facilitate, coordinate and cooperate with existing organizations for the development of the arts. It shall serve as an information center and focal point in the community for activities related to the arts.
- (b) Membership and Terms:
  - (1) The Commission shall consist of nine members.
  - (2) The term of office shall be three years.

## **2-225 Economic Development Commission**

- (a) Summary of General Responsibilities: There shall be an Economic Development Commission which will seek to implement orderly and planned economic development while always keeping in mind the character of the **Town**.
- (b) Membership and Terms:
  - (1) The Commission shall be composed of nine members
  - (2) The term of office shall be three years.

## **2-230 Ethics, Board of**

- (a) Summary of General Responsibilities: Board of Ethics shall administer the Code of Ethics, receive and hear complaints of violations of The Code of Ethics and respond to requests from public officials seeking advice on the conformity of actions with the Code of Ethics as set forth in CHAPTER 9.
- (b) Membership and Terms:
  - (1) The Board of Ethics shall be composed of six regular members and two alternate members.
  - (2) The term of office shall be four years.
  - (3) Members shall serve no more than two consecutive terms. In no event may any member serve said Board more than eight years in succession. Any member having served said Board for eight years in succession shall be



ineligible for reappointment for two years after last serving on said Board.

(4) Each member may serve until his/her successor has been appointed.

(c) A quorum shall consist of four members.

## **2-235 Fire Commissioners, Board of**

(a) Summary of General Responsibilities: Board of Fire Commissioners shall operate, supervise and manage the Newtown Fire Department. The Newtown Fire Department consists of all the volunteer fire companies located within the **Town** and under the supervision and management of a Board of Fire Commissioners.

(b) Membership and Terms:

(1) There shall be a Fire Department consisting of all the volunteer fire companies located within the **Town**, under the operation, supervision and management of a Board of Fire Commissioners. Said Board shall be composed of 7 members unless increased in accordance with Subsection 2-235(b)(1)(iii). Members shall be chosen in the following manner:

(i) Each volunteer fire company, in accordance with its by-laws and regulations, shall appoint one member of said Board.

(ii) The full membership of the Board shall meet and appoint civilian commissioners as may be necessary to constitute the full membership. Appointed civilian members shall not be members of any **Town** fire company.

(iii) Each new volunteer fire company admitted to the Fire Department shall be entitled to appoint one additional new member of said Board and said Board shall also appoint one additional new civilian member in the manner prescribed in Subsections 2-235(b)(1)(i) and (ii).

(iv) Should a volunteer fire company fail to appoint a member of said Board, the commissioners shall within 30 days appoint a civilian member to fill the vacancy who shall not be a member of any fire company.

(2) The term of office shall be for three years.

(c) The Board of Fire Commissioners shall be responsible for the financial management of the Fire Department and for the supervision and care of **Town** apparatus and equipment used by the Fire Department. It may set specifications which shall be followed in the purchase of apparatus, equipment and supplies by the **Town** for the Fire Department.

(d) The organization, government, membership and management of the Fire Department shall be in accordance with the by-laws and regulations of the departments in effect on the effective date of this Charter. Such by-laws and regulations may be amended by the Board of Fire Commissioners. Amendments to the by-laws, however, shall become effective only on approval by a majority of the volunteer fire companies which are members of the Fire Department.

(e) The Board of Fire Commissioners shall appoint a fire marshal and may appoint deputy fire marshals and fire policemen, who shall have the powers and duties prescribed for their offices by the **General Statutes** or by ordinance.

## **2-240 Inland Wetlands Commission**

(a) Summary of General Responsibilities: There shall be an Inland Wetlands Commission which shall act as the **Town's** Aquifer Protection Agency; establish, amend and administer the Inland Wetlands and Watercourses Regulations; and administer the Forest Practices Regulations of the **Town**.

(b) Membership and Terms:

(1) The Commission shall consist of seven members.

(2) The term of office shall be four years.

## **2-245 Justices of the Peace**

- (a) Summary of General Responsibilities: The powers and responsibilities of the Justices of the Peace include but are not limited to general oath giving powers, taking of acknowledgments, joining persons in marriage, and taking depositions.
- (b) Membership and Terms:
  - (1) There shall be 15 justices of the peace selected in accordance with and having the powers and duties prescribed by the **General Statutes**.
  - (2) The term of office shall be 4 years.

## **2-250 Parks and Recreation Commission**

- (a) Summary of General Responsibilities: The Parks and Recreations Commission shall be charged with the care, management and supervision of all public parks and other areas set aside by the **Town** for recreational purposes or donated to the **Town** for such use. It shall undertake and develop such recreational program or programs as the needs of the **Town** require, provided there is an appropriation or private donations have been received for this purpose.
- (b) Membership and Terms:
  - (1) The Parks and Recreation Commission shall consist of 7 members.
  - (2) The term of office shall be two years.
- (c) The Parks and Recreation Commission is empowered to appoint ad hoc committees to assist with special projects.

## **2-255 Pension Commission**

- (a) Summary of General Responsibilities: There shall be a Pension Committee, as established by ordinance, which shall perform the duties set forth in the Other Post-Employment Benefits (OPEB) Trust Agreement, as amended from time to time, relating to the management of the assets held in the OPEB Trust. The Commission shall have other powers and

duties consistent with the **General Statutes** and as prescribed by ordinance.

(b) Membership and Terms:

(1) The Committee shall be composed of seven members.

(2) The term of office shall be two years.

## **2-260 Public Building and Site Commission**

(a) Summary of General Responsibilities: The Public Building and Site Commission shall have control of supervision and construction of building projects including the improvement of lands, major new construction, alterations or extensions, furnishing or equipping of a building to be used for public purposes. The Public Building and Site Commission may decline the supervision of a project when it determines that the public interest would be better served by assigning supervision to one or more qualified entities.

(b) Membership and Terms:

(1) The Commission shall be composed of seven members and two alternate members.

(2) The term of office shall be four years for both members and alternates.

(c) The Public Building and Site Commission is empowered to appoint ad hoc committees to assist with special projects.

## **2-265 Public Safety Committee**

(a) Summary of General Responsibilities: The Public Safety Committee shall review correctional safety and security issues at Garner Correctional Facility which affect the **Town**.

(b) Membership and Terms:

(1) The Committee shall be composed of the warden or superintendent of the correctional facility. Other representatives shall be filled by the First Selectman in accordance with Subsection 2-201(a) of this Charter.

(2) Representatives appointed by the First Selectman serve at his or her pleasure.

## **2-270 Self-Funded Health Insurance Fund Commission**

- (a) Summary of General Responsibilities: The Self-Funded Health Insurance Fund Commission shall be the stewards of the Self-Funded Health Insurance Fund.
- (b) Membership and Terms:
  - (1) The Commission shall be composed of three regular members and two alternate members.
  - (2) The term of office shall be three years.

## **2-275 Sustainable Energy Commission**

- (a) Summary of General Responsibilities: The Sustainable Energy Commission shall identify, implement, and support renewable energy use, energy efficiency, and energy conservation programs in which the **Town's** residents, businesses, organizations, and **Town** agencies can participate and that may result in cost savings to the **Town** or school district.
- (b) Membership and Terms:
  - (1) The Commission shall be composed of nine members.
  - (2) The term of office shall be three years.

## **2-280 Trustees of the Cyrenius H. Booth Library, Board of**

- (a) Summary of General Responsibilities: The Cyrenius H. Booth Library shall be operated by the Board of Trustees and the Trustees shall have the status, powers and duties set forth in Special Act No. 108 of the 1931 session of the General Assembly as amended by Special Act No. 110 of the 1959 session of the General Assembly, which acts shall remain in full force and effect, except to the extent superseded or revised by this Charter.
- (b) Membership and Terms:
  - (1) The Board of Trustees shall consist of 16 members of which eight shall be appointed by the First Selectman with the approval of the Board of Selectmen. The remainder shall be elected by the vote of the remaining

Trustees present and voting at a meeting warned for the purpose.

(2) The term of office shall be four years.

## **2-285 Water and Sewer Authority**

(a) Summary of General Responsibilities: The Water and Sewer Authority shall plan and direct the development, acquisition, financing, construction, operation and maintenance of such water supply, water distribution systems, and sewerage systems as may be required to properly serve the needs of the **Town**.

(b) Membership and Terms:

(1) The Authority shall be composed of seven members two of whom shall be made on the recommendation of the Board of Burgesses of the Borough of Newtown.

(2) The term of office shall be four years.

## **2-300 Regional Authorities and Boards**

### **2-305 Lake Lillinonah Authority**

(a) Summary of General Responsibilities: The **Town** shall participate in the Lake Lillinonah Authority to exercise all powers relating to improving water quality, the enforcement of boating laws on said lake, and such other powers as from time to time may be granted to the Authority by the legislative bodies of all member towns and Section 7-151a of the **General Statutes**.

(b) Membership and Terms:

(1) Member towns shall be the Town of Newtown and can be other towns having Lake Lillinonah within their territorial limits.

(2) The Authority shall be composed of three delegates from each member town.

(3) The term of office shall be three years.

## **2-310 Lake Zoar Authority**

- (a) Summary of General Responsibilities: The **Town** shall participate in the Lake Zoar Authority to exercise all powers relating to improving water quality, the enforcement of boating laws on said lake, and such other powers as from time to time may be granted to the Authority by the legislative bodies of all member towns and Section 7-151a of the **General Statutes**.
- (b) Membership and Terms:
  - (1) Member towns shall be the Town of Newtown and can be other towns having Lake Zoar within their territorial limits.
  - (2) The Authority shall be composed of three delegates from each member town.
  - (3) The term of office shall be three years.

## **2-315 Newtown Health District Health Board**

- (a) Summary of General Responsibilities: The Newtown Health District Health Board shall preserve and improve the status of public health by (1) upholding and enforcing the Public Health Code of the State of Connecticut and such ordinances and regulations as may be adopted by the District Board of Health and (2) working with other providers of health services in the district to better coordinate existing programs and to plan and implement new health programs.
- (b) Membership and Terms:
  - (1) Each municipality and/or Borough which has voted to become part of the District shall, by its Board of Selectmen, appoint a representative(s), based on population, to serve on the District Board of Health and may appoint an alternate to serve in the absence of said representative(s).
  - (2) The term of office shall be three years.

## CHAPTER 3 ELECTIONS AND REFERENDA

### 3-05 Town Elections

- (a) The election of **Town** officials shall take place at the **Town Election** during such hours as are established by the **General Statutes**.
- (b) Special elections may be held in accordance with the **General Statutes**.

### 3-10 Legislative Council Districts

- (a) There shall be 3 districts from which Legislative Council members are elected.
- (b) The districts as presently established shall continue until the assembly and senatorial districts of the State of Connecticut are revised in accordance with Article Third, Section 6 of the Constitution of Connecticut.
  - (1) Within 60 days of the completion of said revision, the Registrars of Voters shall prepare proposed **Legislative Council District** lines for 3 districts having as nearly equal population as is practicable.
  - (2) Within 6 months of the completion of each such assembly and senatorial redistricting, the Legislative Council shall adopt, by at least seven (7) affirmative votes, final **Legislative Council District** lines.

### 3-15 Election of Boards and Commissions

- (a) At each regular **Town Election**, there shall be elected:
  - (1) a Board of Selectmen consisting of the First Selectman and 2 Selectmen;
  - (2) a Legislative Council consisting of 4 members from each **Legislative Council District** as established in Section 3-10;
  - (3) a Board of Finance consisting of six members;
  - (4) three alternate members of the Planning and Zoning Commission;



- (5) three alternate members of the Zoning Board of Appeals; and
  - (6) two members of the Board of Managers of the Edmond Town Hall.
- (b) At each regular **Town Election** members of the Board of Education, the Planning and Zoning Commission, Board of Assessment Appeals, Zoning Board of Appeals, and the Police Commission shall be elected and the number to be elected shall be determined by the number of members whose terms expire on or before the December 1st after the election.
  - (c) At the regular **Town Election** following the Presidential Election, the Town Clerk shall be elected.
  - (d) At the Presidential election, there shall be elected Registrars of Voters.

### **3-20 Elections for Vacated Seats**

- (a) All vacancies in elective office shall be filled at the next regular **Town Election** except where prohibited by the **General Statutes** or at a special election called as provided in Section 9-164 of the **General Statutes** by the Board of Selectman or by application of **Resident Electors**.
- (b) The person appointed pursuant to Section 2-31 to fill a vacancy in an elective office shall serve only until a successor is elected to fill the vacancy at a special election or at the next regular **Town Election** and has qualified. A person elected to fill a vacancy and a person appointed to fill a vacancy, which is not to be filled at the next regular **Town Election** because such election is prohibited by the **General Statutes**, shall serve the remainder of the term.

### **3-25 Referendum**

- (a) An **Annual Town Budget Referendum** [see Section 6-25] shall be held on the fourth Tuesday of April for adoption of the **Town Budget**. If necessary, additional budget referenda shall be held as provided in Subsection 6-25(b). The Legislative Council may recommend a referendum to approve **Special Appropriations** or **Real Property**

**Dispositions** in excess of the Legislative Council's authority as established in Subsection 6-35(e).

- (b) There shall be a right of petition for a referendum from any of the following:
  - (1) any **Special Appropriation** made by the Legislative Council pursuant to Section 6-35 of this Charter;
  - (2) any proposed ordinance rejected, enacted, modified and enacted, or repealed by the Legislative Council pursuant to Section 5-05 of this Charter; and
  - (3) any vote by the Legislative Council to acquire, reserve or dispose of **Real Property** or an interest in **Real Property** taken in accordance with Subsections 8-05(b) and 8-10(d) of this Charter.
- (c) The exclusive procedure to obtain a referendum authorized by Subsection 3-25(b) shall be by petition signed by at least 5% of the **Resident Electors** listed in the last-completed registry list and filed with the Town Clerk no later than the close of business on the seventh day following the date on which the Legislative Council acted. The seven day period commences on the day that notice of the action of the Legislative Council is filed with the Town Clerk, unless the notice is filed after 12 noon in which case the period will commence on the next business day.
- (d) The form of any petition shall be submitted to the Town Clerk prior to being circulated and shall include the following:
  - (1) The entire resolution acted upon by the Legislative Council that the petitioners desire to have acted upon by referendum.
  - (2) A statement of the action the Legislative Council took with regard to such resolution.
  - (3) A statement that the undersigned petitioners are opposed to the action of the Legislative Council and petition that the resolution be presented to the voters.

- (4) A circulator's statement meeting the requirements of the **General Statutes** shall appear on every sheet on which a petitioner's signature appears.
- (5) The date on which the circulator began to circulate the petition shall be set forth in the statement of the circulator.
- (e) No signatures on any petition circulated prior to the taking of action by the Legislative Council shall be counted in determining whether sufficient signatures have been received to force a referendum.
- (f) Upon receipt of a timely filed petition for referendum the Town Clerk shall immediately determine the number constituting 5% of the last-completed registry list, verify whether or not said number of electors have signed such a petition and report said fact to the Board of Selectmen.
- (g) Upon notice from the Town Clerk that a petition bearing sufficient verified signatures has been received, the Board of Selectmen shall warn a referendum to be held not less than 7 nor more than 14 days after the receipt of said petition by the Town Clerk, 5 or more days prior to the date of the referendum according to Subsection 1-25(b). In computing said 5 days, the day of the referendum shall be excluded, but the day of publication, Saturdays, Sundays and legal holidays shall be included. Eligibility to vote at a referendum shall be determined by Section 7-6 of the **General Statutes**. The referendum shall be held between the hours of 6:00 A.M. and 8:00 P.M. on the date set by the Board of Selectmen.
- (h) The question to be voted upon by referendum shall be the same resolution as was acted upon by the Legislative Council, without amendment.

## CHAPTER 4 ADMINISTRATIVE OFFICERS

### 4-05 Finance Director

- (a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council and with recommendation from the Board of Finance, shall appoint a Finance Director to an indefinite term. The First Selectman, Board of Selectmen, Board of Finance, and Legislative Council shall choose and consider all candidates for the position of Finance Director solely on the basis of such candidate's professional qualifications, character, training, and experience in the field of financial management.
- (b) The Finance Director shall report to the First Selectman as provided in Subsection 2-110(b) of this Charter.
- (c) The Finance Director shall:
  - (1) Keep all books of account of the **Town** and shall establish and maintain a general cost accounting system for all **Town Departments**, consistent with all State Laws and subject to the regulations adopted by the Board of Finance and approved by the Legislative Council;
  - (2) Have all of the powers and duties imposed by the **General Statutes** or by special act or law on town treasurers, and shall be Treasurer of all funds held by the **Town**;
  - (3) Receive and have custody of all funds belonging to or under the control of the **Town** or any **Town Department** or officer and shall make such deposits or investments as he or she deems in the best interest of the **Town** within the limits imposed on such deposits or investments by the **General Statutes**;
  - (4) Determine when to issue authorized notes or bonds consistently with the provisions of Section 7-10;
  - (5) Approve or disapprove of requisitions or other requests for disbursements of **Town** funds as provided for in Section 7-15; No disbursements of **Town** funds shall be made, except as authorized by the Finance Director;

- (6) Prepare and keep a detailed budget document during the different phases of the **Annual Budget Process** as described in Section 6-10;
  - (7) Prepare **Financial Impact Statements** for **Special Appropriations**, gifts or financial assistance, and **Real Property Acquisition** in accordance with Sections 6-35, 6-40, and 8-05;
  - (8) Maintain a 5 year capital improvement plan in accordance with the regulations [see Subsection 5-10(b)] of the Legislative Council and submit an updated version of such plan to the Board of Finance and Legislative Council no later than the fifteenth day of January each year;
  - (9) Prepare a cost analysis of all labor contracts, pension plans and insurance plans prior to the signing of any such contracts or plans; and
  - (10) Assist in all labor negotiations serving as a consultant to the labor negotiators representing the **Town**.
- (d) The Finance Director, with the approval of the First Selectman and Board of Selectmen and within the limits of the available appropriations, may hire qualified employees and delegate specific functions of the aforesaid duties. However, he or she shall at all times remain fully responsible for carrying out the duties and responsibilities imposed by this Charter.
  - (e) The First Selectman, with the approval of the Board of Selectmen and with the approval of the Legislative Council after a hearing before the Council, may remove the Finance Director from office, with or without cause.

#### **4-10 Tax Collector**

- (a) The First Selectman, with the approval of the Board of Selectmen, shall nominate and appoint a Tax Collector to a term of 4 years commencing the first day of February of 1990 and every February first every 4 years thereafter. The First Selectman and the Board of Selectmen shall choose and consider all candidates for the position of Tax Collector

solely on the basis of such candidate's professional qualifications, character, training and experience. The Tax Collector need not be a resident of the **Town**. The person appointed to fill the vacancy shall serve the balance of the unexpired term. The Tax Collector shall have the powers, duties and compensation set forth in the provisions of Subsection 4-10(b) of this Charter.

- (b) The Tax Collector shall exercise the powers and duties of a Tax Collector as provided by the **General Statutes**, except as hereinafter provided, and shall perform such other duties as required by this Charter. The receipts to be paid to the Tax Collector shall be collected in accordance with the provisions of the **General Statutes** or this Charter or ordinances of this **Town** and shall be deposited with the Finance Director of the **Town**. The Tax Collector shall also keep a record of receipts, which shall show the name of each person from whom money is received, the amounts thereof, and for what received. The expenses of the office will be provided for in the usual budgetary manner.
- (c) The Tax Collector shall receive a salary in lieu of all fees and other compensation.

#### **4-15 Town Assessor**

- (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint an Assessor to a term of 4 years who shall be chosen solely on the basis of professional qualifications, character, training and experience. The Assessor need not be a resident of the **Town**. Expiration of each 4 year term shall be computed from expiration of the initial term on February 28, 1972. The person appointed to fill a vacancy shall serve the balance of the unexpired term. The Assessor shall have the powers and duties prescribed for the office by ordinance and the **General Statutes**.
- (b) The duties and responsibilities of the office, the minimum qualifications for office and the methods to be used in the selection of the Assessor, including methods and agencies of administration of professional examinations, shall be prescribed by ordinance.

#### **4-20 Building Inspector**

- (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint a Building Inspector. The Building Inspector shall have the qualifications prescribed by the **General Statutes** and shall have such other qualifications as may be prescribed by regulation of the Board of Selectmen. The Building Inspector shall have such powers and duties as may be prescribed by ordinance and by the **General Statutes**.

#### **4-25 Town Attorney**

- (a) The First Selectman, with the approval of the Board of Selectmen, may appoint one or more Town Attorneys to furnish such legal services to any **Town Body** as the First Selectman authorizes.
- (b) The Legislative Council chairman may appoint, with the approval of the affirmative vote of at least eight (8) members of the Legislative Council, an attorney to furnish legal services to the Legislative Council.

#### **4-30 Emergency Management Director**

- (a) The Emergency Management Director shall be appointed in accordance with the **General Statutes**.

#### **4-35 Department of Public Works**

- (a) There shall exist within the **Town** a Department of Public Works administered by such employees having such supervisory and administrative functions as may be determined by the First Selectman, with the approval of the Board of Selectmen. The Department of Public Works shall perform such functions regarding the construction and maintenance of highways and the construction and maintenance of town-owned buildings and grounds, other than the Cyrenius H. Booth Library, the Edmond Town Hall and buildings the operation and control of which is vested in the Board of Education, as are assigned to it by the Board of Selectmen. Nothing herein shall be deemed to limit the First Selectman with the approval of the Board of Selectmen, from hiring independent contractors to perform such maintenance

and construction. The Department of Public Works shall perform such maintenance on the Cyrenius H. Booth Library, the Edmond Town Hall and buildings subject to the operation and control of the Board of Education as is requested by the Trustees of the Cyrenius H. Booth Library, the Board of Managers of the Edmond Town Hall and the Board of Education, provided funds have been appropriated or transferred to the account of the Department of Public Works as are necessary to fulfill the requests of said Trustees and Boards.

#### **4-40 Employees**

- (a) The First Selectman may establish hours of work, set wages or salaries within the range set by the Board of Selectmen, and hire, suspend or dismiss employees of the **Town**, except employees of the Board of Education and employees whose employment and removal are otherwise provided for by this Charter or by the **General Statutes**. The First Selectman may, by written order, delegate this power to other departments of the **Town** with respect to employees of such departments.
- (b) Uniform procedures for the recruitment and removal of any class of employees which the First Selectman may hire, suspend or dismiss, a general merit system and a pension plan for employees of the **Town** may be established by ordinance.
- (c) All appointed employees of the **Town** other than those who work for the Board of Education shall report to the First Selectman for administrative purposes.
- (d) Any employee, other than the Finance Director, who has been suspended or dismissed by the First Selectman and for whom no grievance procedure is provided in a collective bargaining agreement may within 15 days of his removal, request in writing a hearing before the Board of Selectmen which hearing shall be held within 15 days from the date of receipt of such request. The employee may appear at the hearing with counsel. The Board of Selectmen shall, within 15 days after the conclusion of the hearing, act to affirm, modify or reverse the action of the First Selectman.



#### **4-45 Regular Constables**

- (a) Not more than 7 constables shall be appointed by the First Selectman with the approval of the Board of Selectmen for a term of 2 years with no more than a bare majority from any one political party, and they shall have the powers and duties prescribed for constables by this Charter and the **General Statutes**.

#### **4-50 Other Officers and Departments**

- (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint such other officers, committees or commissions as are required by the **General Statutes**.
- (b) The First Selectman, with the approval of the Board of Selectmen, may appoint such other officers as are authorized by the **General Statutes** or by ordinance, subject to the provision of necessary appropriations.
- (c) The First Selectman with the approval of the Board of Selectmen may establish and maintain, subject to the provision of necessary appropriations, other departments for the administration of functions of the **Town**.

## CHAPTER 5 LEGISLATIVE PROCESSES

### 5-05 Ordinances

- (a) The Legislative Council, by majority vote consisting of at least six (6) affirmative votes, shall have the power to make, alter and repeal ordinances not inconsistent with the Constitution or **General Statutes** or the provisions of this Charter, for the execution of the powers now or hereinafter vested in the **Town** for the governance of the **Town** and management of its affairs, the preservation of good order and for the peace, health, welfare and safety of its inhabitants and the protection and security of their property.
- (b) Prior to action on an ordinance by the Legislative Council, it shall conduct a public hearing at which all persons interested shall be given a reasonable opportunity to be heard on the proposed ordinance.
- (c) Notice of the date, time and place of said hearing and the full text of any proposed ordinance shall be published in a newspaper having a substantial circulation in the **Town** at least 10 days before the day on which such hearing is to be held.
- (d) Action by the Legislative Council, either repealing, enacting, or modifying and enacting, or refusing to enact a proposed ordinance shall be taken within 30 days of the hearing held thereon.
- (e) Following action by the Legislative Council, notice of said action shall be according to Subsection 1-25(b) within 21 days of such Legislative Council action and filed with the Town Clerk. If the ordinance was modified and enacted as modified, notice of such action shall include publication of the full text of the ordinance as enacted.
- (f) Any ordinance enacted shall not become effective sooner than 14 days after the date of publication of such notice and, if no other date is given as the effective date of such ordinance, shall become effective on the fifteenth day after publication. If a referendum is called in accordance with the provisions of Subsection 3-25(c) of this Charter, the effective

date of such ordinance shall be suspended until the date of the day after the referendum.

- (g) The **Town** may enact ordinances relative to any matter on which the **Town** is empowered to act by law. If the Borough of Newtown has enacted an ordinance on the same subject, the ordinance enacted by the **Town** shall apply only to the portions of the **Town** outside the Borough.

## **5-10 Regulations**

- (a) Where regulations of the Legislative Council are authorized by this Charter, they shall be adopted, amended or repealed by majority vote of the Legislative Council, consisting of at least six (6) affirmative votes. Any proposed regulation, amendment or repeal shall be referred to the Board of Selectmen for comment or consultation prior to action. A similar reference shall be made to the Board of Education or other **Town Body** if its interests is affected. All regulations regarding financial matters shall be referred for review and recommendation to or may originate from the Board of Finance prior to action. Referrals can be acted on by the Legislative Council after 90 days. Such financial regulations shall also be referred to the Board of Selectman and the Finance Director prior to action.
- (b) The development of the regulation governing the five year Capital Improvement Plan and any subsequent amendments to the regulation shall be the duty of the Legislative Council with the recommendation of the Board of Finance.
- (c) Following action by the Legislative Council, the full text of the regulation adopted or as amended shall be filed with the Town Clerk within 10 days of such action. Regulations enacted or amended shall become effective on the fifteenth day after such action.

## **5-15 Emergency Ordinances**

- (a) Any provision of this Charter to the contrary notwithstanding, the Legislative Council may by the affirmative vote of at least eight (8) of its members, enact emergency ordinances without a public hearing and without

publication or other notice prior to enactment and without the right of the voters to petition for a referendum. The reasons for such emergency shall be stated explicitly in the vote of the Legislative Council enacting such ordinance and the preamble of the ordinance shall set forth the existence and nature of the emergency and that the enactment of the ordinance is necessary for the immediate protection of the peace, health, welfare or property of the citizens of the **Town**. An emergency ordinance shall become effective immediately upon the notice thereof according to Subsection 1-25(b) and upon filing of the same with the Town Clerk. An emergency ordinance shall cease to be effective upon the expiration of a period of 60 days after its publication unless the ordinance shall be reenacted prior to the expiration of said period in accordance with the requirements set forth in Section 5-05 of this Charter, which action shall be subject to the right of referendum as set forth in Subsection 3-25(b) of this Charter.

# CHAPTER 6 BUDGET PROCESSES

## 6-01 General Provisions

- (a) The following terms shall have the meaning ascribed to them in the referenced section of this Charter:
  - (1) **Board of Education Budget** – Subsection 6-05(a),
  - (2) **First Selectman’s Budget** – Subsection 6-05(b),
  - (3) **Board of Selectmen Budget** – Subsection 6-05(b),
  - (4) **Recommended Board of Finance Budget** – Subsection 6-15(c)(3),
  - (5) **Town Budget** – Subsection 6-20(c),
  - (6) **Annual Town Budget Referendum** – Subsection 6-25(a),
  - (7) **Special Appropriation** – Subsection 6-35(a),
  - (8) **Emergency Appropriation** – Subsection 6-35(a).

## 6-05 Preparation of the Board of Selectmen and Board of Education Budget Proposals

- (a) Not later than February 14th, in such form and with such supporting data as the Board of Finance shall require, the Board of Education shall submit to the Board of Finance an itemized estimate of expenditures proposed for the provision and maintenance of good public elementary and secondary schools and an itemized estimate of all revenue other than **Town** appropriations to be received by the Board of Education for its use during the next fiscal year (the “Board of Education Budget”).
- (b) At such time and in such manner as the First Selectman may require, every **Town Department** other than the Board of Education shall present to the First Selectman an itemized estimate of the expenditures to be made by and revenues to be received by such departments during the next fiscal year. After such revisions as the First Selectman may make, the First Selectman shall submit a comprehensive estimate of expenditures (the “First Selectman’s Budget”) to the Board of

Selectmen by February 1st. The estimates shall be accompanied by such other reports and information as the Board of Selectmen may require. The Board of Selectmen shall then revise the estimates, as it deems desirable, and submit the revisions to the Board of Finance in such form and with supporting data as the Board of Finance shall require no later than February 14<sup>th</sup>. (the “Board of Selectmen Budget”).

## **6-10 Role of the Finance Director**

- (a) The Finance Director shall advise all **Town Departments** participating in the budget process at such times and manner as they may reasonably request.
- (b) The Finance Director shall create and maintain a budget document throughout the budget process described in Sections 6-05 through 6-25. Said document shall be comprised of the proposed **Board of Selectmen Budget** and a single line item representing the proposed Board of Education appropriation. Estimated revenues, including sources of such revenues, and an estimated tax levy shall be added by the Finance Director to the budget document.
- (c) The Finance Director shall be responsible for causing the publication of the proposed or recommended budgets whenever publication is required by the provisions of this Charter.

## **6-15 Financial Review of the Proposed Budgets by the Board of Finance**

- (a) The Board of Finance shall conduct a public hearing not later than the first Wednesday in March on the proposed budgets and at said hearing or any adjournment thereof it shall hear all persons eligible to vote as defined in Section 7-6 of the **General Statutes** who may desire to be heard relative to the proposed budgets.
- (b) The proposed budgets shall be noticed according to Subsection 1-25(b) not later than five (5) days prior to said hearing. The publication shall include the proposed budgets showing in parallel columns, for each item, the sum budgeted

for the current fiscal year, the sum expended for the prior fiscal year and the sum proposed for the next fiscal year and the estimated tax rate for the next fiscal year.

(c) The Board of Finance shall hold working sessions and shall revise the proposed budgets as it deems desirable. The Board of Finance shall:

- (1) Make such changes in any estimates or appropriations contained in the proposed budgets as it may deem proper;
- (2) Add appropriations or estimated revenues not contained in the proposed budgets; and
- (3) Approve a complete financial plan for the operations of the **Town** for the next fiscal year (the “Recommended Board of Finance Budget”) which shall contain at least the following:
  - (i) A simple, clear, general summary of the contents, showing estimated revenues and total appropriations equal in amount;
  - (ii) The proposed expenditures in detail including provisions for any adjustments to the unassigned fund balance for the prior fiscal year, for debt service requirements, and for all other expenditures for the next fiscal year, including an appropriation for contingencies to be met from current revenues. All proposed expenditures should be classified in such manner as the Board of Finance deems desirable;
  - (iii) The estimated proposed revenues and the amount required from taxes, which shall be the amounts expected to be received during the next fiscal year; and
  - (iv) An itemized comparative statement by classification of all actual expenditures and receipts during the last completed fiscal year and the budget appropriations for the current fiscal year as revised to a recent specified date, together with estimated revenues for the current fiscal year.

- (d) The Board of Finance shall submit to the Legislative Council its **Recommended Board of Finance Budget** for the next fiscal year by March 14<sup>th</sup>.

## **6-20 Preparation of the Proposed Town Budget by the Legislative Council**

- (a) Upon receipt of the **Recommended Board of Finance Budget**, the Legislative Council shall cause sufficient copies thereof to be made available for general distribution in the office of the Town Clerk and shall hold a public hearing thereon not later than the last Wednesday in March each year. At least five (5) days prior to said hearing, a notice of the public hearing together with a summary of the budget recommended by the Board of Finance showing proposed expenditures, anticipated revenues by major sources, and the amount of revenue to be raised, shall be noticed according to Subsection 1-25(b).
- (b) The Legislative Council shall have the following powers with respect to approval of any item in the proposed **Town Budget**:
  - (1) It shall have the power to reduce any item by a majority of at least six (6) affirmative votes;
  - (2) It may increase any item or add items above those provided in the **Recommended Board of Finance Budget** by an affirmative vote of at least eight (8); and
  - (3) The Legislative Council may only add or increase items up to the amounts included in the proposed **Board of Selectmen** and **Board of Education Budgets** inclusive of any amendments made in Subsection 6-20(f).
- (c) No later than the second Wednesday in April, the Legislative Council shall approve a proposed **Town Budget** to be submitted for final adoption at the **Annual Town Budget Referendum** (the "Town Budget"). If the Legislative Council shall not have approved a proposed **Town Budget** on or prior to said date, then the **Recommended Board of Finance Budget** shall be submitted for adoption at the **Annual Town Budget Referendum**.



- (d) If the Board of Finance shall fail to submit a **Recommended Board of Finance Budget** to the Legislative Council by March 14<sup>th</sup>, then the proposed **Board of Selectmen** and **Board of Education Budgets** shall be considered by the Legislative Council. The Legislative Council shall hold a public hearing on the budgets proposed by the Board of Selectmen and the Board of Education, together with estimated revenues, after giving notice and publication, all as set forth in Subsection 6-20(a). The Legislative Council shall have, when considering and acting upon the proposed **Board of Selectmen** and **Board of Education Budgets**, the same powers granted to the Board of Finance under the provisions of Subsection 6-15(c), and shall exercise said powers by a majority of at least six (6) affirmative votes.
- (e) If the Legislative Council approves a project in the Capital Improvement Plan for appropriation and funding for an amount that exceeds the Legislative Council's authority, as established in Subsection 6-35(e), the Legislative Council shall use its best efforts to have the appropriation for the project added to the ballot for the **Annual Town Budget Referendum**.
- (f) Prior to the final approval of a proposed **Town Budget** by the Legislative Council, the Board of Selectmen and the Board of Education may amend the proposed budget(s).
- (1) Prior to the **Annual Town Budget Referendum**, amendments shall be submitted to the Board of Finance. If the amendments are approved by the Board of Finance, the Legislative Council shall vote on the amendments as if they were part of the **Recommended Board of Finance Budget**. Otherwise the amendments shall be voted on by the Legislative Council as reductions, increases or additions, as the case may be, under Subsection 6-20(b).
- (2) Prior to subsequent budget referenda, if any, amendments made by the Board of Selectman and/or the Board of Education to budget proposals shall not be exceeded by the Legislative Council.

## 6-25 Annual Town Budget Referendum

- (a) The proposed **Town Budget** shall be submitted for adoption at a referendum to be held on the fourth Tuesday of April between the hours of 6:00 A.M. and 8:00 P.M. (the “Annual Town Budget Referendum”). Notice of the **Annual Town Budget Referendum** and any subsequent referenda, as may be needed, and the proposed **Town Budget** together with the mil rate estimated to be necessary to fund said budget, shall be filed by the Legislative Council with the Town Clerk and noticed according to Subsection 1-25(b) at least five (5) days prior to the **Annual Town Budget Referendum**. At the **Annual Town Budget Referendum**, the proposed **Town Budget** shall be voted on as two appropriations; one for the Board of Selectmen, and one for the Board of Education. The two appropriations shall be approved individually by a majority vote. The questions on the **Annual Town Budget Referendum** ballot shall be as follows:

Shall the sum of \$ \_\_\_\_ be appropriated for the Board of Selectmen for the fiscal year?

Shall the sum of \$ \_\_\_\_ be appropriated for the Board of Education for the fiscal year?

The **Annual Town Budget Referendum** ballots shall include two advisory questions as follows:

If the proposed sum of \$ \_\_\_\_ for the Board of Selectmen is not approved, should the revised budget be higher?”

Yes \_\_\_\_\_

No \_\_\_\_\_

If the proposed sum of \$ \_\_\_\_ for the Board of Education is not approved, should the revised budget be higher?”

Yes \_\_\_\_\_

No \_\_\_\_\_

- (b) In the event one appropriation fails and one is approved, the appropriation that is approved shall be considered adopted. In the event that a majority of those voting do not approve one or both appropriations of the proposed **Town Budget**, the Legislative Council shall amend only the non-approved appropriation or appropriations of the budget.
- (1) The Legislative Council shall reconsider and amend the proposed **Town Budget** within seven (7) calendar days. When amending the **Board of Selectmen Budget**, the Legislative Council shall confer with the First Selectman and members of the Board of Selectmen. When amending the **Board of Education Budget**, it shall confer with members of the Board of Education. The Legislative Council shall request additional financial recommendations from the Board of Finance.
  - (2) The Legislative Council shall act on changes to a proposed **Town Budget** not approved, in whole or in part, at a budget referendum as follows:
    - (i) It shall have the power by a majority of at least six (6) affirmative votes to reduce any item or increase any item up to the **Recommended Board of Finance Budget**. To increase any item above the **Recommended Board of Finance Budget** shall require a majority of at least eight (8) affirmative votes;
    - (ii) The Legislative Council may only add or increase items up to the amounts included in the proposed **Board of Selectmen** and the **Board of Education Budgets**, inclusive of any amendments made in Subsection 6-20(f).
  - (3) The amended proposed **Town Budget** shall be filed with the Town Clerk and presented for adoption by vote at a referendum, pursuant to Subsection 6-20(a), not more than fourteen (14) days following the date the proposed **Town Budget** was filed with the Town Clerk. The ballot for each successive referendum shall include the applicable advisory question(s).

- (c) When an appropriation of the proposed **Town Budget** is approved by referendum vote, the action is final and not subject to additional referenda. Similarly if one or both appropriations of the budget fail, Subsection 6-25(b) shall be repeated until both appropriations are approved by referendum vote.
- (d) When a part or parts have been approved by majority vote, the Board of Selectmen and the Board of Education shall amend the proposed **Board of Selectmen** or the proposed **Board of Education Budget** to reflect the voter approved appropriations. Said amended budgets shall be available for public inspection.
- (e) In the event a **Town Budget** has not been adopted by July 1<sup>st</sup>, the **Town** may levy, collect and expend any monies in the manner provided for in the **General Statutes**.

## **6-26 Local Questions on Ballot**

- (a) The Legislative Council, with a majority vote of at least six (6) affirmative votes, may place local questions on the **Annual Town Budget Referendum** ballot.

## **6-30 Laying of Taxes**

- (a) Following the adoption of the **Town Budget** for the next fiscal year, the Legislative Council shall meet and, with due provision for estimated and uncollectible taxes, abatements and corrections, shall lay such tax on the last completed Grand List at a mil rate that shall be sufficient, with the income from other sources, to meet the estimated expenses of the **Town** for the next fiscal year. The tax laid shall be based on facts known and estimates made at the time the Legislative Council acts and may be different from the mil rate estimated prior to the **Annual Town Budget Referendum** or any subsequent referendum even though the budget adopted is the same as the budget recommended to the **Annual Town Budget Referendum** or any subsequent referendum.
- (b) The Tax Collector shall collect the tax in accordance with the **General Statutes**. Taxes shall be delinquent and interest

charged in accordance with the **General Statutes** and any amendments thereto. Real estate tax bills shall be due and payable in 2 semi-annual installments, July 1 and January 1.

## **6-35 Special and Emergency Appropriations**

- (a) A "Special Appropriation" is any appropriation of additional funds made during a fiscal year that is supplemental to an adopted **Town Budget** or capital project. An "Emergency Appropriation" is an appropriation required for an unforeseen or extraordinary event or threat to public health, safety, or welfare. The Board of Finance shall make a recommendation regarding a proposed **Special Appropriation**, but such a recommendation is not required for an **Emergency Appropriation**.
- (b) A request for a **Special** or **Emergency Appropriation** may be initiated by the First Selectman with the approval of the Board of Selectmen or by the Legislative Council. The request shall include an estimate of the funds required, the reasons therefore, and a proposed method of financing. Methods of financing include, without limitation, issuing notes or bonds of the **Town** or laying a special tax on the Grand List last completed. The Finance Director shall prepare a **Financial Impact Statement** for requests for **Special Appropriations**.
- (c) If the First Selectman initiates an **Emergency Appropriation** request, the appropriation may be approved by a majority vote of the Legislative Council. If initiated by the Legislative Council, the **Emergency Appropriation** must be approved by the affirmative vote of at least eight (8) members of the Legislative Council.
- (d) The Legislative Council shall request from the Board of Finance a recommendation as to whether or not a **Special Appropriation** should be made. The Board of Finance shall provide such recommendation within 90 days of the request. The Legislative Council may grant up to an additional 90 days upon request. After said number of days, the Council may act on the request without a recommendation from the Board of Finance.

- (e) The Legislative Council shall have the power to make **Special and Emergency Appropriations**, in an amount not in excess of \$1,500,000 for any one purpose during a fiscal year. Said amount shall be cumulative during the fiscal year as to all appropriations related to said purpose. The total of **Special and Emergency Appropriations** made by the Legislative Council for all purposes during a fiscal year shall not exceed an amount equal to one mil on the most recently completed Grand List.
- (f) The Legislative Council shall have the power to make **Special Appropriations** of any amount that are necessary to implement agreements reached through the process of collective bargaining.
- (g) The Legislative Council shall recommend to a **Town** referendum all **Special and Emergency Appropriations** that equal or exceed the Legislative Council's authority.
- (h) The Board of Finance shall recommend to the Legislative Council a method of financing the **Special or Emergency Appropriation** that shall be included by the Board of Selectmen in the warning of the referendum. In the case of an **Emergency Appropriation** and the Board of Finance is unable to make such recommendation, the Finance Director may make said recommendation.
- (i) If a **Special or Emergency Appropriation** is voted for a purpose requiring the expenditure or encumbrance of funds during a fiscal year for which an annual budget has been adopted but the tax has not yet been laid in accordance with Subsection 6-30(a) of this Charter, it may be financed by being included in the mil rate for said fiscal year.

## **6-40 Grants or Other Financial Assistance**

- (a) Grants and other forms of financial assistance, whether from the State of Connecticut, the United States or any other source, shall be subject to review for their financial impact on the **Town**. The Finance Director or the **Town Department** requesting a grant or other form of financial assistance shall submit a **Financial Impact Statement** to the Board of Finance and the Legislative Council that evaluates

the impact of the commitments and the conditions required of the **Town** by the grant or financial assistance on present and future **Town Budgets, Town Plans for Development and Capital Improvement Plans**. The Impact statement shall be submitted and reviewed before any action is taken that commits the **Town** to accept said grant or financial assistance.

## CHAPTER 7 FINANCIAL PROCESSES

### 7-05 General Financial Process

- (a) The fiscal year of the **Town** shall begin on July 1st and end on June 30th.
- (b) The system of accounts used by the **Town Departments** shall be that prescribed by the **General Statutes** as supplemented by regulations adopted by the Board of Finance and approved by the Legislative Council and in accordance with generally accepted accounting principles. The accounting system shall include a separate account for each appropriation showing the amount of the appropriation, the amounts paid or transferred to it, the unpaid obligations against it and the unencumbered balance of the appropriation.
- (c) The Legislative Council, with recommendation from the Board of Finance, shall annually designate an independent, certified public accountant or firm to audit the books and accounts of the **Town** as required by the **General Statutes**. Said annual audit shall be accepted by the Legislative Council with the recommendation of the Board of Finance.
- (d) All **Town Departments** and officers shall report and remit all receipts to the Finance Director as often as he or she may deem desirable but not more often than daily.

### 7-10 Bonding

- (a) The Finance Director shall seek bids from at least 3 lending institutions for all borrowings and the net bid most favorable to the **Town** must be accepted unless the Finance Director believes that it is in the best interest of the **Town** to reject all such bids, in which case all such bids may be rejected. The Finance Director may negotiate refunding and restructuring of existing bonds when it is financially advantageous. The re-negotiation may be done without securing bids.
- (b) Every resolution for the issue of bonds shall provide for a tax levy for each year to meet all serial installments of principal and interest and such amounts shall be included in a tax levy for each year until said bond shall have been paid in full.



## 7-15 Disbursements/Purchases

- (a) The Board of Finance shall keep under review the budget of the **Town** and shall by regulation prescribe periodic reports of receipts and expenditures for which purpose said Board of Finance shall have access to the books and records of any **Town Department**.
- (b) The regulations adopted by the Board of Finance and approved by the Legislative Council shall also designate the forms and procedures for purchase orders to be drawn on the Finance Director by the Board of Education and the Board of Selectmen.
- (c) Neither the Board of Selectmen nor the Board of Education shall draw any order upon the **Town** unless the Finance Director confirms that there are appropriations within the requesting **Town Department** to cover the request.
  - (1) Before any **Town** funds are expended or encumbered or any contract is entered into, a requisition or other form of expenditure authorization request shall be signed by the department head or other authorized person which then shall be submitted to the Finance Director for approval and issuance of a purchase order. Each order shall designate the object for and the account upon which it is drawn.
  - (2) The Board of Education may make transfers within its own budget and shall report transfers within its budget in writing monthly to the Finance Director.
  - (3) When funds appropriated to the office of the Finance Director are spent or encumbered, purchase orders there for shall be signed by the First Selectman.
  - (4) The Finance Director, or another member of the Purchasing Authority shall issue all **Town** purchase orders. Further, the purchasing procedures adopted by the Board of Finance and approved by the Legislative Council shall be followed.
- (d) The Finance Director, in conjunction with the First Selectman, shall be the Purchasing Authority for the **Town**.

All supplies and contracts for services needed by **Town Departments** other than the Board of Education shall be procured through the Purchasing Authority. Supplies and services needed by the Board of Education may be procured through the Purchasing Authority when feasible.

- (e) No officer or **Town Department** shall expend or vote to incur any liability or expense by contract or otherwise, or enter into any contract that would obligate the **Town** to expend in excess of an approved departmental line item appropriation. For the purpose of this Charter, a line item means any expenditure for the current fiscal year to which the Board of Finance has assigned an appropriation account number. Any officer or member of a **Town Department** who, without authority from this Charter or the **General Statutes**, expends or causes to be expended any money of the **Town**, except in payment of final judgments rendered against the **Town**, shall be liable in a civil action in the name of the **Town**, as provided in the **General Statutes**.
- (f) All sums not in excess of \$50,000 which may become due and payable to the **Town** or any **Town Department** by virtue of any loss or damage suffered by persons or property entrusted to the care, supervision or management of any such department shall be deposited in a special account and segregated by the Finance Director. Thereafter, the Finance Director shall use such sums so segregated to pay any bills incurred in the course of repairing or replacing such loss or damage by the **Town Department** in question, but such payments shall not exceed the lesser of the amount of money so deposited or the cost of repair or replacement. Any such money which is not so expended within one year from the date of its deposit shall cease to be segregated from the general fund of the **Town**, unless the **Town Department** that has incurred the loss or damage, notifies the Finance Director in writing before the expiration of said year that such repairs or replacements have been commenced or will be commenced within 90 days and will be completed on a date which will be specified in the aforesaid written notice, not to exceed 18 months.

## **7-20 Transfers**

- (a) During the first 335 days of any fiscal year:
- (1) The First Selectman and Finance Director may transfer unexpended and unencumbered balances of any appropriations within a department to another appropriation for the same department, which shall not exceed the sum of \$50,000.00. All transfers within a department that exceed the sum of \$50,000.00 shall require the approval of the Board of Finance.
  - (2) Upon the request of the Board of Selectman, the Board of Finance may transfer any unencumbered appropriation, balance or portion thereof from one department to another, which shall not exceed the sum of \$200,000.00. When transfers between departments are proposed which exceed \$200,000.00, the proposed transfers require a recommendation by the Board of Finance and the approval of the Legislative Council. The Legislative Council shall not consider such proposed transfers unless accompanied by a recommendation from the Board of Finance or unless the Board of Finance shall have failed to make such a recommendation within fifteen (15) days after notification by the First Selectman of the action taken by the Board of Selectmen.
  - (3) All appropriations or transfers from a contingency account require a recommendation by the Board of Finance and the approval of the Legislative Council.
- (b) After the first 335 days, upon request of the Finance Director, the Board of Finance shall have the power to transfer, without limitation, the unexpended and unencumbered balances of any appropriation for one department to an appropriation for another department with the approval of the Legislative Council.
- (c) Nothing contained in Section 7-20 of this Charter shall affect any appropriation contained in, or transfers within, the budget of the Board of Education.

## 7-25 Financial Impact Statements

- (a) The Legislative Council in its regulations shall designate the form of the **Financial Impact Statement**.
- (b) No **Special Appropriation** shall be made, no purchase, grant nor gift of real or tangible personal property shall be accepted by any **Town Department** as provided in Sections 6-35, 6-40, and 8-05, until the Board of Finance and Legislative Council have received and have had thirty-five days to give due consideration to a **Financial Impact Statement**.
- (c) **Financial Impact Statements** shall be prepared by the Finance Director as set forth in Subsection 4-05(c)(7).

# CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY

## 8-01 General Provisions

- (a) Definitions: The following terms shall have the meaning ascribed to them below.
- (1) **Real Property:** The term “Real Property,” as defined herein, shall include any town-owned parcel of land, structure, or interest in such land or structures. The term **Real Property** shall not include parcels with an appraised value of less than \$20,000 nor leases that have terms, with options, of less than 5 years.
  - (2) **Acquisition:** The term “Acquisition” shall include, without limitation, the
    - (i) Receipt of real property as a result of non-payment of taxes or property exchanges,
    - (ii) Acceptance of gifts, with or without conditions,
    - (iii) Acceptance of a leasehold, or
    - (iv) Purchase of real property.
  - (3) **Disposition:** The term “Disposition” shall include the sale, exchange, abandonment, or other disposition of **Real Property** and shall also include any decision to permit leases of **Real Property**. The **Disposition** of **Real Property** shall be restricted to:
    - (i) **Real Property** that is not needed for municipal purposes now or in the foreseeable future,
    - (ii) **Real Property** that is required to facilitate the **Acquisition** of improved or unimproved **Real Property** for a project already funded, or
    - (iii) **Real Property** that is not under the management of another **Town Body**, as provided for in this Charter.
- (b) The **Town** shall have all the powers set forth in the **General Statutes** and in this Charter to acquire and dispose of **Real Property**. Detailed processes or procedures for the

**Acquisition and Disposition of Real Property** shall be provided for in **Town** ordinances. If such ordinances are not available, the Legislative Council shall initiate the creation of such ordinances within 60 days of the effective date of this Charter. Such ordinances shall be consistent with requirements provided in Sections 8-05 and 8-10. For parcels with a value of less than \$20,000 or leases that have terms, with options, of less than 5 years Sections 8-05 and 8-10 need not apply.

- (c) If the transfer of **Real Property** provides consideration, in whole or in part, for the **Acquisition** of other real property, the appraised value of the transferred **Real Property** shall be included for the purpose of making an appropriation as if it were a cash payment.

## **8-05 Acquisition of Real Property**

- (a) A recommendation to acquire real property shall be initiated by the First Selectman, with the approval of the Board of Selectmen, and presented to the Legislative Council.
- (b) The Legislative Council, subject to the availability of appropriations for the specific purpose, may authorize the **Acquisition** of real property with a majority consisting of at least six (6) affirmative votes. Exceptions to the power of the Legislative Council to acquire real property include the following:
  - (1) The Planning and Zoning Commission shall have the power to accept on behalf of the **Town** all open spaces, parks, playgrounds, real property for the purpose of widening or realignment of existing public highways, conservation easements, conservation restrictions, and easements for drainage, slope or similar purposes that it requires to be provided by a subdivider as a condition of subdivision approval. Title of said property shall be free and clear of all encumbrances that are unacceptable to the Planning and Zoning Commission.
  - (2) The Board of Selectmen shall have the power to acquire real property for public highways and related purposes as provided in Subsection 2-115(d)(7).

- (c) Prior to a Legislative Council vote to acquire real property, the following shall be completed.
  - (1) The Finance Director shall prepare and submit a **Financial Impact Statement** to the Board of Finance and Legislative Council, as provided in Section 7-25, for all property **Acquisition** other than those excepted in Subsection 8-05(b) and
  - (2) An appraisal of said real property from an appraiser licensed or certified by the State of Connecticut is required.
- (d) If the real property proposed to be acquired is for purposes for which a mandatory referral is required by Section 8-24 of the **General Statutes**, said referral shall be made before any action is taken.
- (e) As provided in Subsection 6-35(e), if the real property proposed to be acquired requires an appropriation of \$1,500,000 or more, said **Acquisition** shall require approval of a referendum.
- (f) Following the approval of the Legislative Council or referendum to acquire real property, the Board of Selectmen shall authorize an officer, board or commission to act on behalf of the **Town** in such **Acquisition**.

## **8-10 Disposition of Real Property**

- (a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council by a majority vote of its membership, may propose the **Disposition of Real Property**.
- (b) **Real Property** acquired for non-payment of taxes shall be sold unless the Legislative Council by a majority of at least six (6) affirmative votes to retain said property.
- (c) After the proposal to dispose of **Real Property** is made the **Town** shall:
  - (1) Post a sign conspicuously on said **Real Property** within 14 days for the duration of the **Disposition**,

- (2) Provide public notice of the availability of said **Real Property** according to Subsection 1-25(b) within 14 days,
  - (3) Have all properties affected in the proposed **Disposition** appraised by an appraiser licensed or certified by the State of Connecticut to ascertain their values both before and after the transaction.
  - (4) Circulate, within 5 days, the proposal for comment to all boards and commissions having an interest in the **Disposition** of said **Real Property**.
  - (5) Comply with **General Statutes**, when applicable, concerning the **Disposition** of public property, including but not limited to holding a public hearing [Section 7-163e of the **General Statutes**] and referring the proposed **Disposition** to the Planning and Zoning Commission [Section 8-24 of the **General Statutes**].
- (d) Upon meeting said requirements of Subsection 8-10(c), the Legislative Council may vote to sell or otherwise dispose of said **Real Property** as required by the **General Statutes**, if applicable, or by majority vote.
- (1) The Legislative Council may recommend that the Board of Selectmen consider factors other than obtaining the highest price, such as considering the buyer's binding commitment to use the real property for a specific purpose and where there is a benefit to the **Town**.
- (e) Where the Legislative Council votes to sell or otherwise dispose of **Real Property** having an appraised value of \$1,500,000 or more said action shall require approval of a referendum.
- (f) Following the approval of the Legislative Council or referendum, if needed, to dispose of **Real Property**, the First Selectman is authorized to take all steps necessary to carry out the sale or other disposition, including:
- (1) If the **Disposition** is to sell the **Real Property**, the First Selectman shall determine the method of sale that is in the best interest of the **Town**, including public auction or



private sale – with or without listing the property for sale with a real estate broker. If the decision is made to sell the **Real Property** by private sale, the price and terms of the contract of sale shall be established by the First Selectman with the approval of the Board of Selectmen and confirmed by an affirmative vote of at least eight (8) members of the Legislative Council.

- (2) If the **Disposition** is to permit the lease of **Real Property**, the First Selectman shall:
- (i) Authorize an officer, board, commission or authority, if needed, to negotiate the term(s) of the lease(s),
  - (ii) Present the negotiated lease(s) to the Board of Selectmen for approval, and
  - (iii) Present the approved lease(s) to the Legislative Council for approval.

# CHAPTER 9 ETHICS COMPLAINTS AND ADVISORY OPINIONS

## 9-05 Code of Ethics

- (a) The Code of Ethics shall guard against improper influence or the appearance of improper influence to better ensure public trust in the government. To that end, the Code of Ethics shall set standards on the conduct of all **Town** officials and employees as necessary or appropriate.
- (b) The Code of Ethics is an ordinance which can be amended in accordance with the procedures for amending ordinances except that the Board of Ethics, without a petition, may propose amendments. In the event that an amendment is so proposed, the Legislative Council shall have no more than 120 days to approve, modify or reject said amendment.
- (c) The Board of Ethics shall be charged with the administration of the Code of Ethics. The Board shall adopt and may amend reasonable rules and regulations for the administration of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall hold a public hearing. Notice of the date, time and place of the public hearing, together with the text of the proposed amendment, shall be warned according to Subsection 1-25(b) not less than 10 days before the date of said hearing. All such rules and regulations, as currently amended, shall be made available at the office of the Town Clerk to any **Resident Elector** of the **Town**.
- (d) Whenever an officer, official, or employee of the **Town** is contemplating taking an action or participating in any proceeding and has any question concerning the conformity of that action or participation with the Code of Ethics, the officer, official or employee shall have the right to seek an advisory opinion of the Board. Such request must be submitted in writing and the resulting advisory opinion from the Board shall be in writing.

## 9-10 Procedure for Complaints

- (a) The Board of Ethics shall receive complaints of any violations of the Code of Ethics and shall, upon receipt of such

complaints, investigate the same and may hold private investigations thereon if, in the opinion of the majority of the Board, said complaint warrants an investigation. Any complaint received by the Board must be in writing and signed by the individual making said complaint. Complaints made to the Board of Ethics shall not be made public unless and until the complaint is found to warrant a hearing. Upon receiving any complaint, the Board shall privately notify in writing the person against who said complaint has been filed, advising the concerned party of the specific nature of the complaint made and being investigated by the Board and the name of the complainant. Upon receipt of said notice from the Board, the party so notified that a complaint has been filed against him/her shall have the right to request a full hearing by the Board. In the event the Board decides that a hearing is required, or the person whose conduct is being called into question requests a hearing, said hearing shall afford the person whose conduct is called into question the right to cross-examine witnesses, to meet and answer the complaint, and to present evidence. No hearing may be conducted with fewer than 4 members of the Board in attendance.

- (b) In the event the Board shall receive complaints against any officer, official or employee of the **Town**, the investigation and disposition of which have been delegated to other boards or commissions created by the Charter or under the **General Statutes**, then the Board shall forward the complaint received to the appropriate board or commission. The board or commission to which such complaints are forwarded shall thereafter notify the Board of the disposition made of said complaint.
- (c) The Board shall report to the Board of Selectmen its finding as to whether or not a violation of the Code of Ethics has occurred, together with recommendation as to dispositions to be made. The First Selectman with the approval of the Board of Selectmen shall thereupon take such action as it may deem appropriate including, but not limited to, removal from office, suspension or censure of the person(s) who is the subject of the complaint or dismissal of the charges,

except that elected officials may not be removed or suspended from office.

- (d) All opinions, finding and recommendations of the Board, whether advisory or at the request of a complainant, shall be kept on file in the office of the Town Clerk.
- (e) The Legislative Council, by regulation, may prescribe procedures permitting the reimbursement by the **Town** of any reasonable out-of-pocket expenses and attorney's fees incurred in connection with an appearance before the Board of Ethics by an officer, official or employee of the **Town**.

# CHAPTER 10 TRANSITION AND MISCELLANEOUS

## 10-01 Effective Date

- (a) As originally adopted this Charter was effective at 12:01 A.M. October 9, 1961.

## 10-02 Amendment of the Charter

- (a) This Charter may only be amended in the manner prescribed by the **General Statutes**.
- (b) Within 5 years after submission of the final report of the most recent Charter Revision Commission, the Legislative Council shall appoint a Charter Revision Commission to review the Charter and any recommendations made by the Legislative Council.

## 10-03 Schedules of Superseded Acts

- (a) The following special acts shall have no force or effect after the effective date of this Charter:

### Volume and Page of Special Acts

Board of Finance 26, 1917 XVII 940	Act of April
Certain Action with respect to organization Validated 15, 1943 XXIV 15	Act of March
Amendment Authorized 25, 1943 XXIV 45	Act of March
Amendment Authorized 1943 XXIV 359	Act of July 8,
As amended 1957 XXVIII 413	Act of May 22,
Biennial Town Elections 21, 1943 XXIV 91	Act of April
Police and Fire Departments 31, 1943 XXIV 57	Act of March

Small Claims Court 21, 1943 XXIV 98	Act of April
Regional School Districts December 21, 1949 XXIV 13	Act of
Enactment of Ordinance 25, 1957 XXVIII 139	Act of April

### **10-04 Savings Clause**

- (a) If any section, subsection, sentence, phrase, clause or word of this Charter shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the remainder of this Charter, except to the extent that some other word, clause, phrase, sentence, subsection or section may be inseparably connected in meaning and effect with the section, subsection, sentence, phrase, clause or word to which such holding shall directly apply.
- (b) Any reference to the **General Statutes** means as said Statutes may be amended from time to time.



