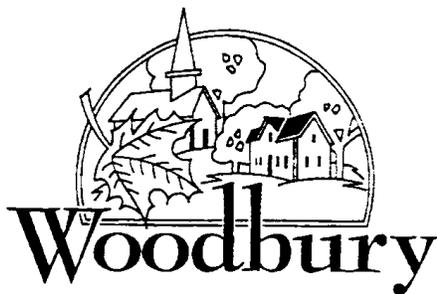


CHARTER
FOR THE
TOWN OF
WOODBURY, CONNECTICUT



First land deed from the Indians
April 12th 1659

These Charter amendments were approved at the November 6, 2001 General Election and became effective December 7, 2001

CHARTER
FOR THE
TOWN OF
WOODBURY, CONNECTICUT

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Charter Revision Commission 2000-2001
Members: William Drakeley, Chairman
Betty Adams
Robert Asman (resigned)
Daniel Carnese
Jane DeVries
Deborah Fuller
John Hardisty
Jean Jeffreys
Kathryn Partridge

CHARTER OF THE TOWN OF WOODBURY

Chapter I.	Incorporation and General Powers
Chapter II.	The Town Meeting
Chapter III.	Elected Officers, Boards and Commissions
Chapter IV.	Board of Selectmen
Chapter V.	First Selectman
Chapter VI.	Appointed Officers, Boards and Commissions
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Chapter VIII.	Administrative Departments and Employees
Chapter IX.	Standards of Conduct
Chapter X.	Transition and Miscellaneous Provisions

CHAPTER I. INCORPORATION AND GENERAL POWERS

Section 101. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Woodbury, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Woodbury", hereinafter called the "Town", and as such 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, the additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the Constitution and the general laws of the State of Connecticut.

Section 102. General Grant of Powers.

In addition to all powers granted to towns under the Constitution and laws of the State of Connecticut, the Town shall have all powers specifically granted by this Charter, all powers reasonably implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political subdivision thereof, any persons, regional agencies or any private organization, for materials, services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and laws of the State of Connecticut, federal law and regulation and the U.S. Constitution. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered in addition thereto.

Section 103. Rights and Obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens existing in the Town as of the effective date of this Charter are continued. The Town shall continue to be liable for its debts and obligations. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien. Any contract, agreement, bond or undertaking entered into by or provided for the benefit of the Town before the effective date of this Charter containing provisions calling for performance by or for the benefit of any office, board or commission abolished or superseded by this Charter shall continue in full force and effect. The powers conferred and the duties imposed with reference to any such contract, agreement, bond or undertaking upon any such abolished office, board or commission shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Selectmen.

Section 104. Existing Laws and Ordinances.

- A. All ordinances of the Town and all rules and regulations of Town commissions, boards, departments and agencies shall continue in full force and effect, except that insofar as they are inconsistent with the provisions of this Charter or are repealed, they shall have no further force or effect after the effective date of this Charter.

- B. The provisions of this Charter are subject to the Connecticut General Statutes and Public Acts except those which strictly relate to municipal affairs which have been delegated to the Town by Connecticut's Home Rule Act, Section 1-187, et seq.
- C. All Special Acts or parts of Special Acts relating to the government of the Town are repealed except the following Special Acts, which are retained:
 1. 1796 Special Act Resolving Incorporating the Town of Roxbury, Special Acts Volume I, page 1182.
 2. 1816 Special Act Resolving Incorporating the Strict Congregational Church of the Town of Woodbury, Special Acts Volume I, page 560.
 3. 1848 Special Acts Establishing Division Line Between Towns of Woodbury and Roxbury, Special Acts Volume IV, page 1286.
 4. 1909 Special Act Concerning School Property in the Town of Woodbury, Special Acts Volume XV, page 728.
 5. 1961 Special Act Concerning Action by the Town of Woodbury on Recommendations of the Board of Finance Special Acts Volume XXX, page 204.
 6. 1965 Special Act Placing the Town Clerk of Woodbury on Salary, Special Acts Volume XXXII, page 44.
 7. 1969 Special Act Creating the Pomperaug Valley Water District Commission, Special Acts Volume XXXIV, page 194.

Section 105: Definitions and Usage

- A. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.
- B. Whenever a period of time is specified for the giving of notice or taking any other action, the date notice is given shall be included in calculating the period, but the date of the event identified in such notice shall not be. In calculating a period defined as a certain number of "business days," Saturdays, Sundays and legal holidays shall be excluded. In all other cases, Saturdays, Sundays and legal holidays shall be included in the calculation.
- C. The following terms, when used herein, shall have the meaning set forth below:
 1. "Annual Budget" shall mean the annual budget for the Town of Woodbury, prepared and approved as set forth in Section 702 of this Charter.
 2. "Annual Budget Meeting" shall mean the Town Meeting at which the Annual Budget is acted upon, as set forth in Section 702 of this Charter.
 3. "Boxholder" shall mean a person who has a mailing address within the Town of Woodbury recognized by the US Postal Service.
 4. "Constitution" shall mean the Constitution of the State of Connecticut.
 5. "Elector" shall have the meaning set forth in Section 9-1 of the General Statutes.

6. "General Statutes" shall mean the 1958 Revision of the General Statutes of the State of Connecticut as amended to date and as the same may be amended hereafter.
7. "Municipal Election" shall have the meaning set forth in Section 9-1 of the General Statutes.
8. "Pay Plan" shall mean a schedule of wage and salary levels applicable to all Town employee personnel classifications.
9. "Registry List" shall mean the list of registered voters maintained by the Town Registrars.
10. "Town Bulletin Board" shall mean a place for the posting of Notices and other official communications that is accessible to residents of the Town of Woodbury.
11. "Town Counsel" shall mean the attorney selected to represent the Town, as set forth in Section 801(B)(16).
12. "Town Ordinances" shall mean the Code of Ordinances of the Town of Woodbury.
13. "Voter" shall mean persons eligible to vote as set forth in Section 7-6 of the General Statutes.
14. "Vote by Voting Machine" shall mean vote by voting machine or by ballot as authorized by Section 7-7 of the General Statutes or by this Charter.

CHAPTER II. THE TOWN MEETING

Section 201. General.

The Town Meeting shall be the legislative body of the Town, except as specifically provided in this Charter. It may act upon all matters upon which a Town Meeting may act under the General Statutes and upon all matters appropriate for legislative action under the General Statutes. Eligibility to vote in Town Meetings and at any referendum held pursuant to the provisions of this Chapter shall be governed by Section 7-6 of the General Statutes. All Town Meetings shall be called by the Board of Selectmen by a Notice as provided in Section 204 of this Charter.

Section 202. Matters to be Determined by Town Meeting.

- A. *Matters Requiring Town Meeting Approval.* The following matters require Town Meeting Approval:
1. Annual budget for the Town.
 2. Sale, lease or other disposition of real property or of an interest in real property owned by the Town, provided, however, that Town Meeting approval is not required for a lease for a term of two years or less for a use that has been approved by a Town Meeting. Such an action must also (i) be recommended by the Board of Selectmen as provided in section 402(K) and (ii) be submitted to the Planning Commission pursuant to Section 8-24 of the General Statutes.
 3. Sale or disposal of personal property owned by the Town other than personal property the Board of Selectmen is empowered to dispose of pursuant to Section 402(K).
 4. Acceptance of conveyances of real property or an interest in real property other than those that the Board of Selectmen is empowered to accept pursuant to Section 402(J).
 5. Discontinuance of public highways as provided in Section 402(L).
 6. Approval or repeal of all Town ordinances and amendments thereto, except for emergency ordinances adopted by the Board of Selectmen pursuant to Section 402(I)(2).

B. *Vote Required for Town Meeting Approval.*

1. *In General.* Except as otherwise specified herein, all matters submitted to Town Meeting shall be determined by majority vote of those present, eligible to vote and voting.
2. *Acceptance of conveyances of real property or interest in real property.* The Town Meeting may accept any gift or bequest of real property or interest in real property as follows:
 - a. In the event the Board of Finance recommends acceptance of the conveyance, or fails to recommend rejection within sixty (60) days following receipt of the analysis of such conveyance provided to the Board of Finance by the Board of Selectmen pursuant to Section 402(J)(2)(b), the conveyance may be accepted by majority vote of those present, eligible to vote and voting at the Town Meeting.
 - b. In all other cases, the conveyance may be accepted by a two-thirds (2/3) vote of those present, eligible to vote and voting at the Town Meeting.
3. *Acceptance of conveyances other than conveyances of real property or interest in real property.* The Town may accept any conveyance other than gifts or bequests or real property or interest in real property as follows:
 - a. By action of the Board of Selectmen upon the recommendation of the Board of Finance, as provided in Section. 402(J)(1)(b).
 - b. Where the Board of Selectmen is empowered to accept the conveyance, as provided in Section 402(J)(1)(a), but has failed to act, by majority vote of those present, eligible to vote and voting at the Town Meeting.
 - c. Where the Board of Finance has recommended rejection of a conveyance, as provided in Section 402(J)(1)(b), or where the Board of Selectmen has rejected a conveyance, as provided in Section 402(J)(1)(a), by a two-thirds (2/3) vote of those present, eligible to vote and voting at the Town Meeting.

Section 203. Town Meetings.

- A. *Regular Meetings.* Two regular Town Meetings shall be held in each year, one on the third Monday in May and one on the third Monday in November. If the date for any such meeting falls on a legal holiday, the meeting shall be held on the Monday next following. No town board, commission or agency may schedule a meeting that would conflict with these regular Town Meetings.
1. *Annual Budget Meeting.* The Regular Town Meeting held in May each year shall be the Annual Budget Meeting. The budget for the next ensuing fiscal year and any other items included in the Notice shall be acted upon at said meeting as provided in Section 702(D) of this Charter.
 2. *Annual State of the Town Meeting.* The Regular Town Meeting held in November each year shall be the Annual State of the Town Meeting. The annual audit and annual report shall be presented and the First Selectman shall deliver a State of the Town report at this Town Meeting. Any other items included in the Notice shall be acted upon at this meeting.
- B. *Special Town Meetings.*
1. *By Board of Selectmen.* Special Town Meetings may be called by the Board of Selectmen at any time for any proper purpose.

2. *Upon Petition.* A petition may be filed with the Town Clerk for a Special Town Meeting to consider a particular resolution or set of resolutions.
 - a. Any such petition must:
 - (i) Meet all requirements of Sections 7-9 and 7-9a of the General Statutes;
 - (ii) Include, on or as an attachment to each page of the petition, the full text of the resolution(s) to be acted upon; and
 - (iii) Be signed by no fewer than one hundred (100) persons who are Voters of the Town on the date the petition is filed.
 - b. Within five (5) business days of receipt of any such petition, the Town Clerk shall determine whether the requirements of this Subsection are met and, if they are, provide a copy of the petition to the Board of Selectmen together with a certification specifying the date the petition was received by the Town Clerk and confirming that the foregoing requirements have been met.
 - c. The Board of Selectmen shall call a Special Town Meeting for the consideration of the proposed resolution(s) to be held within thirty (30) days after the receipt of the petition by the Town Clerk, unless the Board determines, based upon an opinion of Town Counsel, that the proposed resolution(s), if adopted by the Town Meeting, would be inconsistent with law or this Charter or would be for an improper purpose.

Section 204. Notice of Town Meetings, Public Hearings and Votes by Voting Machine

A. *Content of Notice.*

1. *Generally.* The Notice of each Town Meeting, each Public Hearing and each vote by voting machine shall be set forth in a Notice which shall:
 - a. Specify the date, time and place of the Town Meeting or Public Hearing;
 - b. For Town Meetings, identify the Town Meeting as a Regular Town Meeting or Special Town Meeting, as appropriate;
 - c. State the reasons for which the Town Meeting or Public Hearing is to be held;
 - d. Specify those items (if any) that are to be subject to vote by voting machine, together with the date, time and place at which the vote will be held; and
 - e. Be signed by at least a majority of the Board of Selectmen.
2. *Where disposition of Town property or acquisition of real property is to be considered.* The Notice of any Town Meeting in which the disposition of Town property or acquisition of real property is to be considered shall, in addition to the foregoing, include the following:
 - a. A description of the property involved;
 - b. Whether the property is to be sold, leased, or otherwise acquired or disposed of;
 - c. Whether the Board of Selectmen recommends acquisition or disposition by auction, sealed bid or private sale; and

- d. If the Board of Selectmen recommends the property be sold or acquired in a private sale, the terms of the proposed sale including, but not limited to:
 - (i) A legal description of the property or interest in property to be sold or acquired;
 - (ii) The identity of the buyer or seller;
 - (iii) The sale price or other consideration;
 - (iv) The closing date;
 - (v) Any other material terms of the agreement; and
 - (vi) Any other terms which the Board of Selectmen deems relevant.

B. *Place and Time of Notice.*

1. *Legally required Notice.*

- a. Legally required Notice shall be provided:
 - (i) At least ten (10) days prior to the date of any Town Meeting;
 - (ii) At least five (5) days prior to the date set for any Vote by Voting Machine; and
 - (iii) At least seven (7) days prior to the date set for any public hearing.
- b. The Notice shall be posted on the Town Bulletin Board and published in a newspaper having circulation in the Town.

2. *Additional notification.* At least five (5) days prior to the date of the Town Meeting, the First Selectman shall cause an abbreviated Notice that sets forth the date, time, place and nature of the meeting to be prepared and mailed, postage prepaid, to all Boxholders served by the Woodbury Post Office, provided, however, that failure of the First Selectman to comply with the terms of this Section 204(B)(2) shall not render any action taken at said meeting invalid.

205. Conduct of Town Meetings.

- A. *Call to Order and Conduct of Town Meeting.* All Town Meetings shall be called to order by the Town Meeting Moderator and all business shall be conducted in the manner provided by Chapter 90 of the General Statutes and as provided in the Rules and Procedures for Town Meetings on file with the Town Clerk, except as otherwise provided in this Charter. In the absence of the Town Meeting Moderator, the Town Clerk may act as moderator or may appoint an Elector to act as moderator. In the event that both the Town Meeting Moderator and the Town Clerk are absent from a Town Meeting, the Town Meeting shall elect a moderator to preside at that Town Meeting. The Town Clerk shall serve as clerk of all Town Meetings except those at which the Town Clerk acts as moderator. An acting clerk shall be appointed by the moderator in the absence of the Town Clerk, and by the Town Clerk when acting as moderator.
- B. *Adjournment.* Any Town Meeting may be adjourned one or more times to a specified date. If the date to which the meeting is adjourned is fourteen (14) days or more after the date of the meeting making the adjournment, Notice shall be provided in the same manner as for the original meeting except that the Notice need not include any item upon which action has already been taken.

C. *Matters to be Determined by Vote by Machine.*

1. *Specified by Board of Selectmen.* The Board of Selectmen may specify in the Notice of any Town Meeting that an item or items in such Notice shall be subject to a Vote by Voting Machine.
2. *On Petition.*
 - a. Any item in the Notice of a Town Meeting shall be subject to a Vote by Voting Machine if a petition is filed, in writing, in the Town Clerk's Office at least seventy-two (72) hours prior to the time of the Town Meeting, provided:
 - (i) Such petition shall meet all the requirements of Sections 7-9 and 7-9a of the General Statutes;
 - (ii) Such petition shall specify the item or items on the call upon which a Vote by Voting Machine is called for; and
 - (iii) Such petition shall be signed by not less than two hundred (200) persons who are Voters of the Town on the date said petition is filed.
 - b. Upon receipt of such a petition the Town Clerk shall determine whether the petition meets the requirements of this Subsection, and, if so, shall so certify to the moderator before the Town Meeting.
 - c. When an item specified by the Board of Selectmen for Vote by Voting Machine or for which a sufficient petition for a Vote by Voting Machine has been received is reached on the call, the moderator shall permit a resolution on the item to be introduced and shall then announce that such item will be voted on by machine at an adjourned Town Meeting to be held not fewer than seven (7) nor more than twenty-one (21) days thereafter, on a day to be set by the Town Meeting or, if said Town Meeting shall fail to set a date, by the moderator. After reasonable discussion on such item or items, and after the completion of all other business, the moderator shall adjourn said Town Meeting to the date set. The Town Clerk shall phrase such resolution in a form suitable for printing on the ballot labels and such question shall be submitted to a "Yes" or "No" vote on the voting machines on the date specified between the hours of 6 a.m. and 8 p.m., provided that the Town Meeting may provide for a later hour for opening the polls but not later than 12 noon.

CHAPTER III. ELECTED OFFICERS, BOARDS AND COMMISSIONS

Section 301. General.

Nomination and election of federal and state officers and of such elected municipal officers and members of boards and commissions as are provided for in this Charter shall be conducted in the manner and at such times as prescribed in the Constitution and laws of the State of Connecticut. The election of Town officers, and members of boards and commissions shall be held biennially on the first Tuesday after the first Monday in November in the odd numbered years.

Section 302. Elected Town Officers, Boards and Commissions

The following officers and members of boards and commissions shall be elected for the terms and at the municipal elections specified below. Said officers and members of boards and commissions shall have the powers and perform the duties specified in this Charter and in the General Statutes as modified by this Charter:

- A. *Board of Selectmen.* The Board of Selectmen shall consist of the First Selectman and two (2) Selectmen who shall be elected at each municipal election as set forth in Appendix A for a term of two (2) years as provided in Section 9-188 of the General Statutes. The Board of Selectmen shall

have all the powers conferred upon it and shall perform all the duties required of it by law, including, but not limited to, those set forth in Chapter IV of this Charter.

B. *Town Meeting Moderator.* A Town Meeting Moderator shall be elected at each municipal election as set forth in Appendix A for a term of two (2) years. The Town Meeting Moderator shall have all the powers conferred upon him and shall perform all the duties required of him by law, including, but not limited to, the following:

1. To preside at all Town Meetings;
2. To appoint a parliamentarian for any Town Meeting;
3. To propose changes to the rules and procedures for Town Meetings as the Town Meeting Moderator deems appropriate; and
4. To exercise all the powers, duties and responsibilities, not inconsistent with this Charter, conferred or imposed by Chapter 90 of the General Statutes on Town Meeting Moderators.

The powers of the Town Meeting Moderator shall be exercised by any other person serving as moderator in the absence of the Town Meeting Moderator.

C. *Town Clerk.* A Town Clerk shall be elected at alternate municipal elections, as set forth in Appendix A, for a term of four (4) years. The Town Clerk also shall be the Registrar of Vital Statistics. Except as otherwise provided in this Charter, the Town Clerk shall hold no other Town office. The Town Clerk shall have all the powers and duties conferred upon him, and shall perform all the duties required of him, by law, including, but not limited to maintaining Town records, including but not limited to this Charter, the Rules and Procedures for Town Meetings, and minutes of meetings of all Town boards and commissions, all as provided by state law, descriptions of the duties and responsibilities of each position in the Town and of the minimum qualifications for appointment to such position as approved by the Board of Selectmen, and the Town's Personnel Rules.

D. *Tax Collector.* A Tax Collector shall be elected at the municipal election to be held in 1979 and quadrennially thereafter for a term of four (4) years. [Note: A proposed provision to make the Tax Collector an appointive position was defeated at the 2001 General Election, and Section 507 D of the existing Charter has been carried forward as Section 302 (D), providing that the position remains elective.]

E. *Board of Finance.* There shall be a Board of Finance consisting of six (6) members who are electors of the Town. The members of the Board of Finance shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. Except as otherwise provided in this Charter, the members of the Board of Finance shall hold no other Town office. The Board of Finance shall have all the powers conferred upon it and shall perform all the duties required of it by law, including, but not limited to, those set forth in Section 702(C) of this Charter.

F. *Board of Assessment Appeals.* There shall be a Board of Assessment Appeals consisting of three (3) members who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. The Board of Assessment Appeals shall have all the powers conferred upon it and shall perform all the duties required of it by law.

G. *Planning Commission.* There shall be a Planning Commission consisting of five (5) commissioners who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. There shall be a panel of three (3) alternate commissioners who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. The Planning Commission shall also act as the Water Pollution Control Authority and shall have all the powers conferred upon it and shall perform all the duties required of it by law.

- H. *Zoning Commission.* There shall be a Zoning Commission consisting of five (5) commissioners who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. There shall be a panel of three (3) alternate commissioners who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. The Zoning Commission shall have all the powers conferred upon it and shall perform all the duties required of it by law.
- I. *Zoning Board of Appeals.* There shall be a Zoning Board of Appeals consisting of five (5) members who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. There shall be a panel of three (3) alternate members who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. The Zoning Board of Appeals shall have all the powers conferred upon it and shall perform all the duties required of it by law.
- J. *Inland-Wetlands Agency.* There shall be an Inland-Wetlands Agency consisting of five (5) members who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. There shall be a panel of three (3) alternate members who shall be elected for four (4) year terms on a rotating basis as set forth in Appendix A. The Inland-Wetlands Agency shall have all the powers conferred upon it and shall perform all the duties required of it by law.

Section 303. Other Elected Officers and Terms.

- A. *Registrars of Voters.* There shall be two (2) Registrars of Voters who shall be elected for four (4) year terms at the regular State election immediately preceding the expiration of the term of office of the incumbents. The Registrars shall have the powers and perform the duties specified in the General Statutes.
- B. *Judge of Probate.* At the state election immediately preceding the expiration of the term of the Judge of Probate for the Probate District of Woodbury and at state elections thereafter, a Judge of Probate shall be elected for a term of four (4) years. The Judge of Probate shall have the powers and perform the duties specified in the General Statutes.
- C. *Justices of the Peace.* There shall be Justices of the Peace in such number and elected at such times and for such terms as provided in Sections 9-183 and 9-184 of the General Statutes and in the Code of the Town of Woodbury. The Justices of the Peace shall have the powers and perform the duties specified in the General Statutes.

Section 304. Regional Board of Education.

The number, term of office and manner of nominating and electing members of the Board of Education of Regional School District No. 14 shall be as provided in the General Statutes and the plan(s) governing such matters as are adopted pursuant to the General Statutes.

Section 305. Board for Admission of Electors.

The Board for Admission of Electors shall consist of the Town Clerk and Registrars of Voters. The Board shall have such powers and duties as are set forth in the General Statutes.

Section 306. Terms of Elected Officers and of Members of Boards and Commissions.

The terms for the officers identified in Section 303 shall commence on the Wednesday following the first Monday of the January succeeding their election. The terms of all other elected officers, commissioners and board members shall commence on the first Monday in December after their election, and they shall serve for the term for which they are elected until their successors are elected and have qualified. Each board or commission shall, at its first meeting each year, elect a chairman and any other officers it requires.

Section 307. Minority Representation.

- A. In order to give an opportunity for more than one political party to be represented on all elected boards, commissions, committees or similar bodies of the Town, the number of members of any such body who may be members of the same political party is limited in accordance with the following table:

Column I Total Membership of Board, Commission, Committee or Similar Body	Column II Maximum From One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

- B. For purposes of this Section 307, a panel of alternates shall be considered a separate body.
- C. The procedures set forth in Section 9-167a of the Connecticut General Statutes shall be followed to determine:
1. the maximum number of members of any political party who may be elected at any given time;
 2. the winners in any election where more candidates from the same political party have run than were eligible for election thereunder;
 3. the party membership of the candidates; and
 4. any other question arising from the application of this Section 307.
- D. The provisions of this Section 307 shall not apply to the Board of Selectmen, minority representation of which is governed by Section 9-188 of the General Statutes.
- E. Nothing herein shall be construed as requiring the election to any such board, commission, committee or similar body of the maximum number of members of the same political party permitted hereunder.

Section 308. Eligibility.

No person shall be eligible for election to any board or commission or office who is not at the time of his election an Elector of the Town. Any person ceasing to be an Elector of the Town shall thereupon cease to hold such office in the Town.

Section 309. Vacancies.

- A. *Manner of Filling Vacancies.* Any vacancies shall be filled as follows:
1. *Board of Selectmen.* Any vacancy on the Board of Selectmen shall be filled in the manner provided in Section 9-222 of the General Statutes.

2. *Registrars of Voters.* Any vacancy for Registrar of Voters shall be filled in the manner provided in Section 9-192 of the General Statutes.
 3. *Judge of Probate.* Any vacancy in the position of Judge of Probate shall be filled in the manner provided in Section 9-218 of the General Statutes.
 4. *Justices of the Peace.* Any vacancy for Justice of the Peace shall be filled in the manner provided in Section 9-184 of the General Statutes.
 5. *Other Vacancies.* Any other vacancy, from whatever cause arising, in any elected Town office or on any elected commission or board shall be filled promptly by appointment by the Board of Selectmen.
- B. *Party Affiliation of Appointee.* When filling a vacancy of an officer, board or commission member who was elected as a nominee of a political party, the Board of Selectmen shall, in its discretion, fill the vacancy with a person of the same political party or with a person nominated by that party's Town Committee, regardless of whether the nominee is a member of the same political party as the officer or member vacating the position.
- C. *Term of Appointee.* The person appointed to fill any vacancy shall serve until the earlier of (1) the last day of the unexpired portion of the term of the vacant office and (2) the first Monday in December following the next regular municipal election. An election shall be held to fill any vacancy at the next municipal election after the vacancy occurs. The term of the person so elected shall be the unexpired portion of the term of the vacant office, commencing on the first Monday in December following the election.

Section 310. Compensation.

The Town Meeting Moderator and all elected commissioners and board members shall serve without compensation except the members of the Board of Selectmen, the Town Clerk, and the Registrars of Voters, who shall receive such compensation as shall be provided in the budget.

Section 311. Resignation.

Any resignation shall be in writing and filed with the Town Clerk. The Town Clerk shall send copies of the letter of resignation to the chair of the appropriate board or commission and to the First Selectman (or, in case of resignation of the First Selectman or of a chair of a board or commission, to the remaining members of the relevant board or commission). Any such resignation shall take effect on the date stated in the letter of resignation or, if no date is specified, upon filing.

CHAPTER IV. BOARD OF SELECTMEN

Section 401. Composition.

There shall be a Board of Selectmen consisting of the First Selectman and two (2) Selectmen. Except as otherwise provided in this Charter and the General Statutes, neither the First Selectman nor the Selectmen shall hold any other Town office.

Section 402. Powers and Duties.

The Board of Selectmen shall generally supervise the affairs of the Town and shall have all the powers and duties conferred upon it, and shall perform all the duties required of it, by law. The Board's powers and duties shall include, but are not limited to, the following:

- A. *Committees.* The Board of Selectmen may, from time to time, appoint by resolution such special and temporary committees as it deems necessary and appropriate to assist it in carrying out its duties. The term of any such committee shall terminate upon the expiration of the term of the Board appointing it or on such earlier date as is set by the Board.
- B. *Town Employees.* The Board of Selectmen shall have the power to hire, establish the working conditions of, promote, discipline, suspend and dismiss all persons employed by the Town, either full or part time, except as otherwise specified in this Charter. Where personnel policies and rules are adopted in accordance with Section 502 hereof, said policies and rules shall be followed by the Board in the exercise of this power. The Board may delegate this power wholly or in part to the First Selectman and/or to the heads of departments.
- C. *Compensation of Town Employees.* The Board of Selectmen shall set the salaries, wages or other compensation of all Town employees not set in accordance with Section 502(B)(6) hereof, in conformity with the Organization and Pay Plan established by the Board of Selectmen pursuant to Section 502(B)(6) of this Charter for the positions involved within the limits of the appropriations made therefor.
- D. *Contracts.* Except as otherwise provided in this Charter, the Board of Selectmen, may, subject to the appropriation of funds necessary, enter into contracts on behalf of the Town for services (including professional and consulting service(s)), supplies and the use of facilities with any public or private person or agency including, without limitation, the United States Government, any agency thereof, the State of Connecticut and any agency or political subdivision thereof.
- E. *Charges for Services.* The Board of Selectmen may fix the charges, if any, which may be made for services rendered by the Town.
- F. *Review of Town Needs.* The Board of Selectmen shall conduct an ongoing review of the current and future needs of the Town, including financial needs and budget requirements and, in connection therewith, may require reports and information to be submitted by any office, board or commission of the Town. The Board of Selectmen may place any such report on the agenda of any regular or special Town Meeting.
- G. *Joint Meetings of Land Use Commissions and Officials.* At least once each calendar year, with no more than twelve (12) months in between meetings, the Board of Selectmen shall call and hold a joint meeting of all the land use commissions and all land use officials to consider those items which the Board of Selectmen and the chairmen of the land use commissions have caused to be included on the agenda for that joint meeting. The Board of Selectmen may call and hold such joint meetings more frequently than once every twelve (12) months.
- H. *Joint Meetings of Boards and Commissions.* In addition to joint meetings with land use commissions and officials, the Board of Selectmen may call and hold such joint meetings with Town officers, boards, or commissions that the Board of Selectmen, in its discretion, deems appropriate.
- I. *Ordinances.*
 - 1. *Non-Emergency Ordinances.*
 - a. *Generally.* The Board of Selectmen shall periodically consider and prepare ordinances and amendments to ordinances to meet the needs of the Town, which ordinances and amendments are not inconsistent with this Charter, the General Statutes, the Connecticut Constitution, the United States Constitution or the laws of the United States.
 - b. Before calling a Town Meeting to consider and act on any proposed ordinance or amendment, the Board of Selectmen shall hold at least one public hearing concerning the proposed ordinance or amendment. Notice of such public hearing shall be given at least seven (7) days

in advance in accordance with Section 204(B)(1)(a)(iii) of this Charter. The Board of Selectmen shall make copies of the proposed ordinance or amendment available for public inspection at the Town Clerk's Office at least seven (7) days in advance of the public hearing.

- c. Every ordinance or amendment, after passage, shall be filed with the Town Clerk by the Board of Selectmen and shall be compiled and published as required by this Charter and by the General Statutes. Each ordinance and amendment shall take effect fifteen (15) days after publication unless such ordinance or amendment specifies a later effective date.

2. *Emergency Ordinances.*

- a. The Board of Selectmen may adopt ordinances to meet a public emergency notwithstanding the Town Meeting, public hearing and prior Notice requirements of this Charter if the Board finds the following:
 - (i) The emergency threatens the lives, health, or property of citizens; threatens public property; or threatens the public health and safety; and
 - (ii) The delay occasioned by convening a Town Meeting, holding a public hearing and/or giving prior notice would further imperil the public health and safety, public property or the lives, health or property of residents.
- b. The Board of Selectmen shall include in each such emergency ordinance a statement of the findings required by Section 402(I)(2)(a) above, including a recital of the facts on which the findings were made.
- c. The ordinance shall take effect immediately and shall be effective for no more than sixty (60) days.
- d. Each emergency ordinance shall be published as provided in Section 302(C) of this Charter.
- e. The Board of Selectmen shall repeal any such emergency ordinance if it finds that the emergency has terminated.
- f. Each emergency ordinance (and any amendment thereto) shall be deemed to be repealed by operation of law on the sixty-first (61st) day after enactment unless action has previously been initiated, pursuant to the provisions of this Charter, to adopt a permanent ordinance to address the same public emergency. In that event, the emergency ordinance shall remain in full force and effect until final action is taken on enactment of the permanent ordinance.

J. *Acceptance of Gifts, Bequests and Other Conveyances of Property to the Town.*

1. *Personal Property, including cash and other intangible property.*

- a. *Conveyances of cash or other intangible personal property that is unrestricted or to be added to one or more established special funds.* The Board of Selectmen is empowered to accept on behalf of the Town, conveyances of personal property (including gifts of cash and other intangible personal property) whether by gift, bequest or otherwise when such conveyances are either unrestricted as to sale or use or are to be added to one or more established Town funds.
- b. *Other personal property.* If a conveyance of personal property to the Town is proposed other than that discussed in Section 402(J)(1)(a) above, a written analysis of the financial impact of the conveyance on the Town shall be prepared and delivered by the First Selectman, or his designee, to the Board of Finance for its consideration and recommendation. If the Board of Finance recommends acceptance of the conveyance, or fails to recommend rejection within

sixty (60) days of delivery of the analysis, the Board of Selectmen is empowered to accept the conveyance.

2. *Real Property or Interests in Real Property.*
 - a. *Connected with improvement of existing Town highway, required as a condition for approval of subdivisions or other development or a conservation or preservation restriction.* The Board of Selectmen is empowered to accept conveyances of real property or interests in real property (whether by outright conveyance, gift, bequest or otherwise) in the following circumstances:
 - (i) The conveyance is for highway, drainage, grading, sloping or similar purposes to be used in connection with the construction, reconstruction, maintenance or improvement of a Town highway existing at the time of the conveyance.
 - (ii) The conveyance is of a fee simple absolute interest in real property which consists of a new highway (including drainage, grading, sloping, or similar easements and including interests in drainage system(s)) which highway has been constructed in accordance with Town road specifications and approved by the Board of Selectmen, as appropriate and is proposed for acceptance into the Town's public highway system.
 - (iii) The conveyance is to satisfy a condition of approval established by the Planning Commission, the Zoning Commission or the Inland-Wetlands Agency.
 - (iv) The conveyance is of a conservation or preservation restriction as defined by Section 47-42a of the General Statutes, with the exception of acquisition of development rights, which shall be referred to Town Meeting.
 - b. *Other real property or interest in real property.* If a conveyance of real property or interest in real property to the Town is proposed other than that discussed in Section 402(J)(2)(a) above, a written analysis of the financial impact of the acceptance of the conveyance on the Town shall be prepared and delivered by the First Selectman, or his designee, to the Board of Finance for its consideration and recommendation. The Board of Selectmen shall cause the question of whether or not to accept the conveyance to be included in the agenda for the first Town Meeting held following receipt of a recommendation from the Board of Finance or sixty (60) days after delivery of the analysis to the Board of Finance, whichever is earlier.
 - c. Nothing in this Section 402(J) shall be construed as affecting the requirements of Section 8-24 of the General Statutes concerning referrals to the Planning Commission.

K. *Disposition of Town Property.*

1. The Board of Selectmen may recommend the sale, lease or other disposition of real property owned by the Town. The Board of Selectmen shall submit any such recommendation to the Planning Commission pursuant to Section 8-24 of the Connecticut General Statutes and to the Town Meeting.
2. The Board of Selectmen may, without Town Meeting approval, sell or otherwise dispose of tangible personal property having a value not in excess of ten thousand dollars (\$10,000.00) per item, with an aggregate for any fiscal year of fifty thousand dollars (\$50,000.00). Notification of the Selectmen's intention to sell said personal property shall be published to secure adequate bids.
3. The Board of Selectmen may use any tangible personal property of the Town as a credit (trade-in) toward the purchase of similar tangible personal property for which there is a budget appropriation.

L. *Discontinuance of Public Highways.*

1. Proposed discontinuances of public highways (including interests in drainage systems and drainage, grading, sloping, or similar easement(s)) shall be presented by the Board of Selectmen to the Town Meeting for consideration and action.
2. If the Town Meeting approves the proposed discontinuance, the Board of Selectmen is empowered to implement the discontinuance pursuant to Section 13a-49 of the General Statutes.
3. Nothing in this Section 402(L) shall be construed as affecting the requirements of Section 824 of the General Statutes concerning referrals to the Planning Commission.

Section 403. Organization.

- A. The Board of Selectmen shall meet on the first Monday in December after the municipal election, with the First Selectman presiding.
- B. The First Selectman shall appoint one of the two Selectmen to serve at will as Acting First Selectman to act in the absence or disability of the First Selectman, and a secretary, who need not be a Selectman, to keep a record of the proceedings of the Board.
- C. In the absence or disability of both the First Selectman and the Acting First Selectman, the remaining Selectman shall perform the duties of the First Selectman until the return or recovery of the First Selectman or Acting First Selectman.
- D. If a vacancy in the Office of First Selectman is filled by appointment or special election, the person so appointed or elected shall appoint an Acting First Selectman, which appointment shall supersede any previous appointment.

Section 404. Procedure.

- A. *Time and Place of Meetings.* The Board of Selectmen shall fix by resolution the time and place for its regular meetings and provide a method for calling special meetings, provided however, that the Board of Selectmen shall hold at least one meeting each calendar month.
- B. *Rules of Procedure.* The Board of Selectmen shall determine by resolution its own rules of procedure, which shall include affording residents of the Town an opportunity to address suggestions, petitions and complaints to the Board of Selectmen at any regular meeting.
- C. *Quorum.* Two (2) members of the Board of Selectmen shall constitute a quorum.
- D. *Vote.* All actions by the Board of Selectmen shall be by majority vote unless otherwise provided by law.
- E. *Minutes.* The keeping and availability of minutes of all Board of Selectmen meetings shall be in accordance with the provisions of Section 1-200 et seq. of the Connecticut General Statutes. Minutes of meetings of the Board of Selectmen shall be filed in the Office of the Town Clerk in addition to any other office where they may be kept.
- F. *Notice of Meetings and Executive Sessions.* The procedures for warning any regular or special meeting of the Board of Selectmen and the holding of executive sessions, shall be in accordance with the provisions of Section 1-200 et seq. of the Connecticut General Statutes.

Section 405. Relations to Administrative Services.

No member of the Board of Selectmen, except the First Selectman or the Selectman exercising the powers and duties of the First Selectman in his absence or disability, shall give orders, either publicly or privately, to any

administrative officer or employee of the Town. The Board of Selectmen may require, as a responsibility of employment, any such employee or officer to attend any regular or special meeting of the Board and give information to the Board on matters relevant to the operation of the Town.

CHAPTER V. FIRST SELECTMAN

Section 501. General.

The First Selectman shall be the chief elected official, the full-time chief executive officer and the chief administrative officer of the Town. The First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside at the meetings of said Board. The First Selectman shall be an ex-officio member of all boards and commissions of the Town, without vote but with all other privileges of membership, including without limitation, the right to participate in discussion, to attend executive sessions and to receive all notices, agendas and minutes. The First Selectman may from time to time delegate to another Selectman the right to be an ex-officio member of such boards and commissions as he may specify, in which case the Selectman so designated shall have the same rights and privileges as the First Selectman.

Section 502. Duties.

- A. *General.* The First Selectman shall have all of the powers, duties and responsibilities conferred by the General Statutes, this Charter, and the Woodbury Code of Ordinances upon first selectmen, chief executive officers and chief administrative officers. He shall have such other powers, duties and responsibilities as are conferred by the Board of Selectmen which are not inconsistent with the General Statutes, this Charter or the Woodbury Code of Ordinances. The First Selectman also shall have all the powers necessary or incidental to the discharge of the duties and responsibilities of the office as set forth in this Charter.
- B. *Specific.* Under the direction of the Board of Selectmen, the First Selectman shall:
1. Organize and manage the administration of the departments of the Town;
 2. Implement or cause the implementation of ordinances, resolutions, policies and other action voted by the Board of Selectmen or the Town Meeting;
 3. Coordinate the Board of Selectmen in the discharge of all the Board's duties and responsibilities;
 4. Present a State of the Town report to the Annual Town Meeting; and
 5. Cause the following to be prepared, submitted to the Board of Selectmen for approval and, upon approval, filed with the Town Clerk:
 - a. A written job description for each Town Employee that includes the regular qualifications for appointment to such position. The description may include offices and positions established by this Charter except elected offices.
 - b. A set of personnel rules which shall provide, among other things, for a probationary period of employment, hours of work, vacation, sick leave and other leaves of absence, removals and such other rules as may be necessary to provide an appropriate and systematic procedure for the administration of the personnel affairs of the Town.
 - c. Any appropriate amendments to existing descriptions of job or position duties and responsibilities, minimum qualifications and personnel rules.
 6. Prepare, submit to the Board of Selectmen for approval and, upon approval, furnish to the Board of Finance and file with the Town Clerk an Organization and Pay Plan for all compensated offices

and positions in the Town, whether elected or appointed, full or part time, salaried or hourly, and, from time to time, prepare and propose any appropriate amendments thereto.

CHAPTER VI. APPOINTED OFFICERS, BOARDS AND COMMISSIONS

Section 601. General.

In order to provide for the proper administration of the affairs of the Town with respect to its needs in the areas of finance, public safety, environment, land use, culture, welfare, and such other needs as may arise from time to time or may be imposed by the General Statutes, the officers, boards and commissions provided for in this Chapter shall be appointed by the Board of Selectmen (except as otherwise specified herein) to perform the duties and functions provided in this Charter, in the Town Ordinances, and in the General Statutes.

Section 602. Appointed Boards and Commissions.

- A. *Trustees of Town Funds.* There shall be three (3) Trustees of Town Funds appointed to serve at will. The Trustees of Town Funds shall be responsible for administering any endowment or other funds entrusted to the Town, and for investing and reinvesting such funds in accordance with policies established by the Board of Selectmen within the terms of any instrument governing the use of such funds and shall have all the powers conferred on them and perform all the duties required of them by law.
- B. *Board of Fire Commissioners.* There shall be a Board of Fire Commissioners consisting of five (5) members appointed as set forth in Appendix B as terms of incumbent members expire. The Board of Fire Commissioners shall be responsible for the supervision, management, discipline and control of the Fire Department and shall have all the powers conferred on it and perform all the duties required of it by law.
- C. *Civil Preparedness Advisory Council (formerly the Office of Emergency Management).* There shall be a Civil Preparedness Advisory Council consisting of no fewer than three (3) and no more than nine (9) members to be appointed by the First Selectman as set forth in the Town Ordinances. The Council shall have all the powers conferred on it and perform all the duties required of it by law.
- D. *Building Code Board of Appeals.* There shall be a Building Code Board of Appeals consisting of five (5) members having the qualifications required by the State Building Code appointed as set forth in Appendix B as terms of incumbent members expire. The Building Code Board of Appeals shall perform such duties and functions as are provided in Section 29-266 of the General Statutes and the State Building Code and shall have all other powers conferred on it and perform all other duties required of it by law. The members of the Building Code Board of Appeals need not be electors of the Town.
- E. *Historic District Commission.* There shall be an Historic District Commission consisting of five (5) members, at least two (2) of whom shall be residents of an Historic District in the Town, appointed as set forth in Appendix B as terms of incumbent members expire. Three (3) alternate members, at least one (1) of whom shall be a resident of a Historic District in the Town, shall be appointed as set forth in Appendix B as terms of incumbent alternates expire. The Historic District Commission and alternates shall have all the powers conferred on them and perform all the duties required of them by law. Notwithstanding any provision of this Charter to the contrary, no members or alternates shall hold any salaried Town office.
- F. *Representatives to the Regional Planning Commission.* There shall be two (2) representatives to the Central Naugatuck Valley Regional Planning Commission appointed to serve at will. One (1) such representative shall be appointed by the Planning Commission, and one (1) such representative shall be appointed by the Zoning Commission. Said representatives shall have all the powers conferred on them and perform all the duties required of them by law.

- G. *Conservation Commission.* There shall be a Conservation Commission consisting of seven (7) members appointed by the First Selectmen as set forth in Appendix B as terms of incumbent members expire. The Conservation Commission shall have all the powers conferred on it and perform all the duties required of it by law.
- H. *Park and Recreation Commission.* There shall be a Park and Recreation Commission consisting of five (5) members appointed as set forth in Appendix B as terms of incumbent members expire. There shall be two (2) alternate members appointed as set forth in Appendix B as terms of incumbent alternates expire. The Park and Recreation Commission shall be responsible for the planning, administration and supervision of Town sponsored recreation programs, for identifying recreational uses for Town parks and recommending appropriate landscaping and design, and shall have all the powers conferred on it and perform all the duties required of it by law.
- I. *Commission for the Elderly.* There shall be a Commission for the Elderly consisting of (i) the Municipal Agent and the Director of Health, who shall be ex-officio members without vote, and (ii) five (5) members, at least two (2) of whom shall be at least sixty (60) years of age, appointed as set forth in Appendix B as the terms of the incumbent members expire. There shall be two (2) alternate members, at least one (1) of whom shall be at least sixty (60) years of age, appointed as set forth in Appendix B as the terms of incumbent alternates expire. The Commission for the Elderly shall have all the powers conferred on it and perform all the duties required of it by law.
- J. *Library Board of Trustees.* There shall be a Board of Trustees for the Library consisting of six (6) members appointed as set forth in Appendix B as the terms of incumbent members expire. The Board of Trustees shall function as the governing body of the Library and shall establish goals, policies, and objectives for the Library; identify, interview (in conjunction with the Board of Selectmen), and recommend to the Board of Selectmen candidate(s) for appointment to the position of Library Director qualified in accordance with the provisions of Section 801(B)(15) of this Charter; review any gift, devise, or bequest offered to the Library and recommend to the Board of Selectmen whether or not the gift, devise, or bequest should be accepted and for what specific purpose it should be used; and shall have all the powers conferred on it and perform all the duties required of it by law.
- K. *Town Retirement and Pension Board.* There shall be a Town Retirement and Pension Board consisting of five (5) members, one of whom also shall be a member of the Board of Finance, appointed as set forth in Appendix B as terms of incumbent members expire.
1. The Town Retirement and Pension Board shall serve as the administrator of the pension plan(s) for Town employees and maintain current knowledge of pension plan design, investment strategies and statutory responsibilities. It shall plan, direct and monitor investment performance to maximize returns consistent with the prudent management of Plan assets to ensure employee benefit commitments.
 2. The Board shall submit an annual report to the Board of Selectmen and the Board of Finance on the status of the pension plan and its fund, including a current actuarial report based on the plan assumptions and the adequacy of the fund to meet the obligations of the plan. Periodically, not less than once every five (5) years, the Board shall submit a report to the Board of Selectmen analyzing the Pension Plan, its competitiveness, investment strategies, and recommended changes therein, if any. The Board shall have all the powers conferred on it and perform all the duties required of it by law.
- L. *Public Building Commission.* There shall be a Public Building Commission consisting of five (5) members qualified by experience or training in fields such as architecture, engineering, finance, building construction, law or related areas appointed as set forth in Appendix B as terms of incumbent members expire. The Public Building Commission shall advise the Board of Selectmen on all public building projects (new buildings, renovations, improvements, or demolition) undertaken by the Town of Woodbury in order to assist the Board in ensuring that facilities are suited to the Town's needs and

are properly constructed, improved or demolished at the lowest reasonable cost, and shall have all the powers conferred on it and perform all the duties required of it by law.

M. *Charter Revision Commission.*

1. The Board of Selectmen shall appoint a Charter Revision Commission not later than ten (10) years after the most recent Charter Commission submitted its final report to the Board. The Board of Selectmen shall, however, review the provisions of this Charter from time to time, and may appoint a Charter Revision Commission at any time within such ten (10) year period, if it deems that appointment to be in the best interests of the Town. The Charter Revision Commission shall employ legal counsel, other than Town Counsel, to assist in its review of the Charter and to make recommendations for amendments, if any. The Charter Revision Commission shall have all the powers conferred on it and perform all the duties required of it by law.
2. Appointments to the Charter Revision Commission shall be made in accordance with Section 7-190(a) of the General Statutes and notwithstanding the provisions of Section 902(B) of this Charter, the Board of Selectmen may appoint any elector, except members of the Board of Selectmen, to serve on the Charter Revision Commission, provided, however, that no more than two (2) members of any particular board or commission may serve on the Charter Revision Commission while they are members of such other board or commission.

Section 603. Eligibility.

Except as herein provided, all appointed board members and commissioners shall be electors of the Town and shall have such other qualifications as may be determined by the appointing authority and as may be required by this Charter, the Town Ordinances and the General Statutes.

Section 604. Terms.

All appointed board members and commissioners shall have the terms of office specified in the General Statutes, this Charter or the Town Ordinances which, unless otherwise required herein, shall commence on the first Monday in January. All appointed board members and commissioners shall serve for the term to which they are appointed and until their successors are appointed and have qualified. Each board or commission shall, at its first meeting each year, elect a chairman and any other officers it requires.

Section 605. Minority Representation.

The provisions of Section 307 of this Charter regarding Minority Representation on any elected board, commission or similar body of the Town shall apply equally to all appointed boards, commissions or similar bodies of the Town.

Section 606. Vacancies.

Except as otherwise provided herein, all vacancies in any appointed board or commission shall promptly be filled by the board or commission having the original power of appointment. In the event that a vacancy to be filled by an authority other than the Board of Selectmen is not so filled within sixty (60) days, then it shall promptly thereafter be filled by the Board of Selectmen. Each person appointed to fill a vacancy in an appointed board or commission shall serve the unexpired portion of the term and until his successor is appointed and has qualified pursuant to the provisions of Section 309(B).

Section 607. Compensation.

Except as specifically provided in this Charter, or the General Statutes, no appointed Board or Commission member or alternate shall receive compensation.

Section 608. Removal.

- A. *Failure to Attend Meetings.* Any member of an appointed board, commission or committee who does not attend at least two thirds (2/3) of the regular meetings for a calendar year, the schedule of which is filed pursuant to Section 1-225 of the General Statutes, shall be considered automatically removed from such board, commission or committee, creating a vacancy which shall be filled in accordance with Section 606 of this Charter. It shall be the duty of the Chairman of each board, commission or committee to give prompt written notice of such absenteeism and consequent vacancy to the Board of Selectmen.
- B. *Inability to Discharge Duties or Failure to Observe Conflict of Interest Provisions.* Any member of an appointed board, commission or committee who (1) is unable to discharge the powers, responsibilities and duties of his position or (2) violates the conflict of interest provisions of this Charter or of the Code of the Town of Woodbury may, after notice and hearing, be removed from such board, commission or committee by the Board of Selectmen, creating a vacancy which shall be filled in accordance with Section 606 of this Charter.

Section 609. Creation, Consolidation and Abolition of Boards and Commissions.

The Town Meeting may by ordinance create such additional boards and commissions as it may deem necessary or proper for the government of the Town. The ordinance creating any such board or commission shall specify its powers and duties, term of office and number of members and alternate members. All such regular or alternate members of any such board or commission shall be appointed by the Board of Selectmen. Any board or commission not established by this Charter may be consolidated with another board or commission or may be abolished, by ordinance.

CHAPTER VII. FINANCE AND TAXATION

Section 701. Fiscal Year.

The fiscal year of the Town shall begin on the first day of July and end on the 30th day of June.

Section 702. Budget Procedure.

- A. *Proposed Budgets.* On or before January 15 in each year, each officer and the head of each office, board or commission of the Town that is supported wholly or in part from Town funds, except the Regional Board of Education, shall file with the Board of Selectmen a proposed budget for that office, board or commission, inclusive of capital items, for the next fiscal year. Such proposed budgets shall include the following information:
 - 1. A statement of the actual expenditures and revenues for the prior fiscal year.
 - 2. A detailed estimate of the total expenditures and revenues anticipated for the current fiscal year.
 - 3. A detailed estimate of the expenditures and revenues for the next fiscal year, together with the reasons therefor.
 - 4. A statement setting forth the principal services, activities and work (a) accomplished during the current fiscal year as compared to the prior fiscal year and (b) planned for accomplishment during the next fiscal year.
 - 5. A statement of goals and objectives for the next fiscal year and a reasonable timetable for their accomplishment.
 - 6. A budget statement describing the significant features of the proposed budget for the next fiscal year highlighting major changes from current expenditures and revenues, together with the reasons for such changes.

7. A statement describing any proposed capital projects to be undertaken in the next fiscal year and the estimated costs for such projects.

B. *Duties of the Board of Selectmen.*

1. **Proposed Budget.** The Board of Selectmen shall review and approve individually, or modify as deems appropriate, proposed budgets submitted by Town supported offices, boards and commissions. The Board of Finance may participate in these discussions without voting privileges. Upon completion of their review and approval of the entire budget, the Board of Selectmen shall present their recommended operating and capital budget (for capital items not paid through bonds or other borrowing) for the next fiscal year to the Board of Finance.
2. **Five Year Capital Plan.** The Board of Selectmen shall submit to the Board of Finance with its Proposed Budget, for the Board of Finance's review, consideration and comment, a five year capital plan setting forth proposed municipal capital improvement projects for the next five (5) fiscal years, including, but not limited to, such items in the approved Plan of Development and Conservation as the Board proposes to undertake within those five (5) years, together with an estimate of the costs of such projects and means of funding such projects.
3. **Annual Tax Rate.** In the event (a) the Town Budget has not been approved by August 1 as provided in this Charter or (b) the Board of Finance fails to set the tax rate as provided in Section 702(C)(6) of this Charter, then the Board of Selectmen shall set the tax rate pursuant to Connecticut General Statutes Section 12-123.

C. *Duties of the Board of Finance.*

1. The Board of Finance shall review the Proposed Budget and Five Year Capital Plan submitted by the Board of Selectmen.
 - a. As part of their review the Board of Finance may review any item(s) with the Selectmen and/or the officer, board or commission who originally prepared and submitted such item(s).
 - b. The Board of Finance may increase or decrease any line item in the proposed budget and may add or delete line items.
 - c. If the Board of Finance proposes to materially reduce specific items in the proposed budget, it shall give the affected offices, boards or commissions the opportunity to meet with the Board of Finance to review the reductions.
2. Thereafter, the Board of Finance shall prepare a proposed Annual Budget which shall include itemized statements of:
 - a. All actual appropriations and expenditures for the prior fiscal year;
 - b. All actual appropriations, expenditures to date and estimated expenditures for the current fiscal year;
 - c. Proposed expenditures for the next fiscal year, which shall include, but are not limited to the following (i) funds for contingency, which shall not exceed one (1) percent of the estimated expenditures for the current fiscal year, (ii) Woodbury's share of the Regional School District 14 budget, (iii) funds for preparing and distributing notices of Town Meetings and (iv) capital expenditures to the extent not covered through bonds or other borrowings; and
 - d. Revenues for the prior fiscal year, revenues to date and estimated revenues for the current fiscal year, estimated revenues for the next fiscal year and an estimate of the surplus available

for use in the next fiscal year for the operating budget or for capital projects or for undesignated surplus.

3. At least three (3) weeks prior to the Annual Budget Meeting the Board of Finance shall hold a public hearing on the proposed Annual Budget at which any elector or taxpayer shall have the opportunity to be heard regarding the appropriations proposed for the next year.
4. After such public hearing the Board of Finance shall make such changes in the proposed Annual Budget as it shall deem appropriate and shall prepare a final proposed annual budget for submission to the Annual Budget Meeting.
5. Copies of the final proposed annual budget to be presented to the Annual Budget Meeting shall be available in the Town Clerk's Office not later than one (1) week prior to said Meeting.
6. Within ten (10) days following approval of the Annual Budget, the Board of Finance shall meet and establish the tax rate on the taxable property of the Town for the next fiscal year taking into consideration historical collection rates, efforts to collect delinquent taxes, if any, and the appropriate level of undesignated surplus except as provided in Section 12-123 of the General Statutes and this Charter.

D. Annual Budget Meeting.

1. The proposed annual budget shall be presented by the Board of Finance to the Annual Budget Meeting.
2. The Annual Budget Meeting shall have the power, by majority vote of those present, eligible to vote and voting, to decrease or delete any appropriation in the Proposed Budget in full or in part by line item.
3. The Annual Budget Meeting shall have the power, by a two-thirds (2/3) vote of those present, eligible to vote and voting, to increase, by line item, any appropriation recommended by the Board of Finance and/or make an appropriation for any public purpose for which no appropriation was recommended in the budget by said Board.
4. In the event that, at the time of the Annual Budget Meeting the Region 14 budget has not been approved, the Annual Budget Meeting shall have the power to act upon the Annual Budget with the exception of the portion of the budget attributable to the Town's share of the Region 14 budget (the "Annual Municipal Budget"). The amount of the Town's share of the Region 14 budget shall, when it is determined, be added to the Annual Municipal Budget to establish the Annual Budget.
5. The Annual Budget meeting shall be adjourned for not less than seven (7) days or more than ten (10) days, at which time the Annual Budget, as revised at the Annual Budget Meeting shall be submitted to vote by voting machine for approval. Appropriate notice shall be given of the place, date and time of the adjourned Meeting.
6. The procedure set forth in this Section 702(D) shall be repeated as necessary until a budget has been approved for the next fiscal year.

Section 703. Transfers and Additional Appropriations.

A. Transfers that do not Require Town Meeting Action.

1. *Transfers within Departmental Appropriations.* In the event that funds are needed for any particular purpose in excess of the amount budgeted for such purpose and funds are available within the appropriation for such office, board or commission, such office, board or commission may, with the prior approval of the First Selectman, transfer funds within the appropriation for such office,

board or commission. Such transfers shall not, during the fiscal year, exceed an aggregate of five thousand dollars (\$5,000.00) for any office, board or commission unless a request to do so has been approved by the Board of Finance.

2. *Transfers By the Board of Finance.* In the event that funds are needed by any office, board or commission in excess of the amount appropriated in the Annual Budget for such office, board or commission, or for a purpose for which there is no appropriation in the Annual Budget, such office, board or commission shall submit a request for an additional appropriation to the Board of Selectmen. The Board of Selectmen shall review the request and transmit it to the Board of Finance with its recommendation. The Board of Finance shall meet and review the request and the Board of Selectmen's recommendation and shall make its decision pursuant to Section 7-348 of the General Statutes. If the Board of Finance approves of such request, it may fund the appropriation by transferring funds from any unexpended appropriation or from the contingency appropriation to the appropriation for such office, board or commission, provided no such transfers to any such office, board or commission shall in the aggregate during the fiscal year exceed twenty hundredths of one percent (.0020) of the total Annual Budget for the current fiscal year unless the transfer has been approved at Town Meeting.

B. *Transfers and Appropriations Requiring Town Meeting Action.*

1. If the Board of Finance receives a request for additional funds as provided in Section 703(A)(2) of this Charter, the Board shall submit the request, and its recommendations concerning the request, to a Town Meeting for action in the following circumstances:
 - a. The amount needed exceeds the transfer limits set forth in Section 703(A) of this Chapter; or
 - b. The Board of Finance recommends an additional appropriation rather than a transfer to meet such need; or
 - c. The Board of Finance rejects the request for such additional funds.
2. The Town Meeting may:
 - a. Vote to approve or disapprove a transfer in an amount which exceeds the transfer limit set forth in Section 703(A) of this Chapter; or
 - b. Vote to make the additional appropriation recommended by the Board of Finance; or
 - c. Vote to make an additional appropriation as recommended by the Board of Finance but in a lesser amount; or
 - d. By two-thirds (2/3) vote, make an additional appropriation exceeding the amount recommended by the Board of Finance or for a public purpose not recommended by the Board of Finance; or
 - e. Refuse to make any transfer or additional appropriations.

C. *Emergency Appropriations.* Notwithstanding the Town Meeting requirements of Section 704(B) of this Charter, if the First Selectman requests an appropriation that is required to address a public emergency which threatens public health and safety, public property or the lives, health or property of residents, and if the circumstances are such that the delay in convening a Town Meeting would further imperil the public health and safety, public property or the lives, health or property of residents, the Board of Finance may make such appropriation as it may deem necessary.

D. *Source of Funds for Additional Appropriations.* Funds for any additional appropriations made by the Town Meeting or any emergency appropriations made by the Board of Finance shall be drawn as

directed by the Board of Finance from any available undesignated surplus, the contingency appropriation, funds borrowed in anticipation of receipts of the next tax levied or funds received or to be received from State, Federal or other sources.

Section 704. Purchases, Expenditures and Accounting.

- A. No purchase shall be made by an office, board or commission except as authorized by the Fiscal Officer, or his designee, as directed by the First Selectman.
- B. No voucher, claim or charge against the Town shall be paid until the same has been reviewed and approved for correctness and validity against available appropriations by the Fiscal Officer, or his designee, as directed by the First Selectman. Checks shall be drawn by the First Selectman for the payment of approved vouchers, claims and charges and shall be valid only when countersigned by the Treasurer. Those officers empowered by this Charter to act for the First Selectman and Treasurer respectively shall perform the duty specified by this Subsection in the absence or disability of either the First Selectman or the Treasurer or both.
- C. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse, except appropriations for the planning, construction, renovation or acquisition of any specific capital improvement, including land acquisition, or the acquisition of any specific item of equipment. Appropriations for such capital improvements and items of equipment, from whatever source derived, shall lapse upon completion of the capital improvement project, upon the purchase of the equipment for which the appropriation was made or upon abandonment of such capital improvement project or equipment purchase. A capital improvement project shall be deemed to have been abandoned if it has not been commenced or acquired within five (5) fiscal years after the appropriation for such improvement was made. An equipment purchase shall be deemed to have been abandoned if the equipment has not been acquired within three (3) fiscal years after the appropriation for such equipment was made.
- D. Any payment made in violation of the provisions of this Charter shall be deemed to be illegal and each officer, board, commission or employee authorizing or making such payment or taking part therein and each person receiving such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so paid or received. No officer, board, commission or employee of the Town shall, alone or with others, incur any obligation or authorize or make any expenditure in violation of the provisions of this Charter except as required to address a public emergency which threatens public health and safety, public property or the lives, health or property of residents. Any violation of this Subsection may be grounds for disciplinary, civil, judicial, or administrative action against the officer, board, commission or employee.

Section 705. Borrowing.

- A. Upon the recommendation of the Board of Finance and approval of the Town Meeting, the Town shall have the power to incur indebtedness by issuing bonds or notes as provided by the General Statutes, subject to the limitations thereof and the provisions of this Charter.
- B. All notes or bonds issued by the Town shall be executed and delivered by the First Selectman and the Treasurer or such other officer as may be designated by the vote authorizing their issuance.
- C. When authorizing the issuance of bonds or notes, the Town Meeting shall establish the maximum principal amount; the establishment of the specific terms and conditions of the bonds or notes to be issued pursuant to such authorization shall be delegated by the Town Meeting to such officer(s), board or commission as the Town Meeting may designate.
- D. Borrowing in amounts exceeding one hundred thousand dollars (\$100,000.00) or for a term exceeding one (1) year shall be on the basis of written bids.

Section 706. Town Reports.

- A. All officers, boards and commissions, whether elected or appointed, shall file a written report of their meetings, activities and actions for the prior fiscal year with the Board of Finance and Board of Selectmen not later than August 1st. This report shall include the total number of the board, commission, or agency's meetings and a record of attendance of each board, commission and agency's regular members and alternate members. The record shall specify the percent of all meetings at which each member and alternate member has been present.
- B. Prior to the regular Town Meeting to be held in November of each year, the Board of Finance shall prepare and have published an Annual Report which shall contain such reports and information as may be required by this Charter and the General Statutes and such reports and information as may be deemed appropriate by the Board of Finance. Consideration of the Annual Report shall be placed on the agenda of the regular Town Meeting to be held in November.

Section 707. Auditor.

The Board of Finance shall appoint an independent certified public accountant or a firm of independent certified public accountants to conduct an annual audit of the accounts of the Town, and shall file said accountant's name with the Secretary of the Office of Policy and Management. The audit shall be conducted in accordance with the General Statutes. The Board of Finance will solicit proposals for these auditing services at least every three years.

CHAPTER VIII. ADMINISTRATIVE DEPARTMENTS AND EMPLOYEES

Section 801. General.

- A. Except as specified in this Section 801, administrative employees shall be appointed and removed by the Board of Selectmen. Except as specifically provided for in this Charter or the General Statutes, administrative employees need not be Electors of the Town. Each administrative employee described in this Section 801 shall have all the powers and duties conferred upon him by law, and such other powers and duties as may be established by ordinance or by order or instruction of the Board of Selectmen or the First Selectmen not inconsistent with law.
- B. There shall be the following Administrative Employees:
 - 1. *Assessor.* An Assessor who shall be certified by the State of Connecticut shall be appointed to perform such duties and functions as are provided by the General Statutes for Assessors.
 - 2. *Assistant Town Clerks.* One (1) or more Assistant Town Clerks and Assistant Registrars of Vital Statistics may be appointed by the Town Clerk, with the approval of the Board of Selectmen to perform such duties and functions as may be delegated by the Town Clerk. Such Assistants shall have the powers and perform the duties of the Town Clerk in the absence or disability of the Town Clerk until the Town Clerk returns or a successor Town Clerk is selected and qualifies as provided in Chapter III of this Charter.
 - 3. *Building Official.* A Building Official having the qualifications required by Sections 29-261 and 29-262 of the General Statutes shall be appointed to perform such duties and functions as are provided in Part I of Chapter 541 of the General Statutes and the State Building Code.
 - 4. *Assistant Building Official.* An Assistant Building Official having the qualifications required by Section 29-261 and Section 29-262 of the General Statutes may be appointed by the Building Official, with the approval of the Board of Selectmen, to perform such duties and functions as may be delegated by the Building Official. The Assistant Building Official shall perform the duties of the Building Official in the absence or disability of the Building Official until the Building Official returns or a successor Building Official is appointed.

5. *Town Treasurer.* A Treasurer having training and experience in public or private finance shall be appointed to serve as the Chief Fiscal Officer of the Town and shall have all the powers and duties as are provided in Section 7-79 et seq. of the General Statutes and such other powers and duties as may be established by order or instruction of the Board of Finance with approval of the First Selectman or the Board of Selectmen not inconsistent with law.
6. *Police Protection.*
 - a. Provided that funds are authorized in the annual budget, the Board of Selectmen may contract with the State of Connecticut Department of Public Safety for the services of one or more resident troopers.
 - b. Provided that funds are authorized in the annual budget, the First Selectman shall appoint such Special Constables pursuant to Section 7-92 of the General Statutes as are necessary for public safety. At least one constable shall be an Elector of the Town.
 - c. Pursuant to Section 9-185 of the General Statutes, no Special Constables shall be elected.
 - d. The Board of Selectmen may prescribe regulations for the administration and operation of the Special Constables who shall be under the direction and control of the First Selectmen or his designee.
7. *Director of Civil Preparedness (formerly Director of Emergency Management).* A Director of Civil Preparedness shall be appointed by the First Selectman.
8. *Director of Health.* A Director of Health having the qualifications prescribed in the General Statutes shall be appointed to perform such duties and functions as are provided by the General Statutes and Town Ordinance, unless the Town is a member of a Health District formed pursuant to Section 19a-241 of the General Statutes. Vacancies in the office of the Director of Health shall be filled within thirty (30) days in the same manner as the original appointment. The Director of Health may be removed by the Board of Selectmen as provided in the General Statutes.
9. *Assistant Director of Health.* An Assistant Director of Health having the qualifications prescribed in the General Statutes for directors of health may be appointed by the Director of Health, with the approval of the Board of Selectmen, to perform such duties and functions as may be delegated by the Director of Health. The Assistant Director of Health shall have the powers and perform the duties of the Director of Health in the absence or disability of the Director of Health until the Director of Health returns or until a successor director of health is appointed.
10. *Town Sanitarian.* A sanitarian certified by the State of Connecticut shall be appointed by the Director of Health, with the approval of the Board of Selectmen, unless the Town is a member of a Health District formed pursuant to Section 19a-241 of the General Statutes. The Director of Health may, with the approval of the Board of Selectmen, appoint one (1) or more qualified persons as Assistant Sanitarian. The Sanitarian and Assistant Sanitarians shall perform such duties and functions as may be prescribed by the Director of Health.
11. *Director of Public Works.* A Director of Public Works shall be appointed. The Director of Public Works shall, in accordance with the Town personnel policies, recommend to the Board of Selectmen the appointment and removal of all assistants or employees in the Department.
12. *Animal Control Officer.* An Animal Control Officer and Assistant Animal Control Officer(s) shall be appointed.

13. *Fire Marshal.* A local Fire Marshal who is certified as being qualified and eligible for such appointment by the State Fire Marshal and the State Codes and Standards Committee shall be appointed by the Board of Fire Commissioners. In addition to the powers and duties described in Section 801(A) of this Charter, the Fire Marshal shall have such powers and duties as may be established by the Board of Fire Commissioners not inconsistent with law. The Board of Selectmen may appoint such Deputy Fire Marshals who are certified as being qualified and eligible for such appointment by the State Fire Marshal and the State Codes and Standards Committee as it shall deem necessary. The Fire Marshal and Deputy Fire Marshals may be removed for cause pursuant to Sections 29-297, 29-298, 29-299, and 29-300 of the General Statutes.
14. *Land Use Enforcement Officer(s)*
 - a. A Zoning Enforcement Officer shall be appointed to exercise the powers and perform the duties described in Section 801(A) of this Charter and to perform such other duties and functions as may be established by regulations of the Zoning Commission or by order or instruction of the Commission not inconsistent with applicable law.
 - b. A Planning Enforcement Officer shall be appointed to exercise the powers and perform the duties described in Section 801(A) of this Charter and to perform such other duties and functions as may be established by regulations of the Planning Commission or by order or instruction of the Commission not inconsistent with applicable law.
 - c. An Inland-Wetlands Enforcement Officer shall be appointed to exercise the powers and perform the duties described in Section 801(A) of this Charter and to perform such other duties and functions as may be established by regulations of the Inland-Wetlands Agency or by order or instruction of the Commission not inconsistent with applicable law.
 - d. An Historic District Enforcement Officer shall be appointed to exercise the powers and perform the duties described in Section 801(A) of this Charter and to perform such other duties and functions as may be established by regulations of the Historic District Commission or by order or instruction of the Commission not inconsistent with applicable law.
 - e. The same person may be appointed to one, or more, or all of the enforcement positions described in subsections (a) through (d) above.
15. *Library Director.* The Board of Selectmen, giving consideration to the candidates recommended by the Board of Trustees of the library pursuant to Section 602(J), shall appoint a Library Director who shall have library science training and experience as specified in the job description on file with the Town Clerk. The Library Director shall have all the powers and duties conferred by the General Statutes and such other powers and duties as the Board of Trustees of the Library, the Board of Selectmen and the First Selectman may establish by order or instruction not inconsistent with such General Statutes and Town Ordinance.
16. *Town Counsel.*
 - a. Town Counsel, who shall be an attorney admitted to practice in the State of Connecticut, shall be appointed to provide legal services to the Town. If the Town Counsel is a member of a law firm, other members of the firm may, with the approval of the First Selectman and under the Town Counsel's direction and control, perform any legal services for the Town. The Board of Selectmen shall, at least once in every three (3) years, solicit proposals from qualified attorneys or firms of attorneys to serve as Town Counsel.

- b. The duties and responsibilities of Town Counsel shall include the following:
 - (i) To direct and be responsible for appearing and protecting the rights of the Town in all actions, suits or proceedings brought by or against it or any of its departments, officers, boards or commissions.
 - (ii) With the approval of the Board of Selectmen, to compromise or settle any claims by or against the Town.
 - (iii) To serve as the legal advisor to the Town Meeting, Board of Selectmen, the First Selectman, and all other Town officers, board(s) and commissions in all matters affecting the Town.
 - (iv) To furnish the Town meeting or any Town officer, board or commission with a written opinion on any question of law involving their respective powers and duties.
 - (v) To assist the Town meeting or any Town officer, board or commission in the preparation of ordinances, resolutions or regulations as the case may be.
 - (vi) To prepare or approve the form and legal sufficiency of contracts or other instruments to which the Town is a party or in which it has an interest.
 - (vii) If so instructed by the Board of Selectmen, or in order to protect the Town's right to appeal when no instructions have been received from the Board of Selectmen, to appeal from orders, decisions and judgments involving or affecting the Town.
 - c. Any officer, board or commission, before requesting an opinion, ruling or other service from Town Counsel, including without limitation the services specifically described herein, shall secure the approval of the First Selectman or the Board of Selectmen to do so. If the Town Counsel deems it advisable, Town Counsel may request that the Board of Selectmen engage other attorneys in temporary employment to handle any particular matter. Notwithstanding the above, any board or commission of the Town of Woodbury may apply to, and the Board of Selectmen may appoint, special counsel to represent such board or commission.
17. *Town Planner.* The Board of Selectmen shall appoint a Town Planner who is professionally qualified by education and experience. The Town Planner shall assist and advise the First Selectman and the Town's land use boards and commissions concerning planning, land use and the Town's Plan of Conservation and Development. The Town Planner also shall advise any department's commission or agency concerning the effect on the plan of any action the department, commission or agency may take. In addition to the powers and duties described in Section 801(A) of this Charter, the Town Planner shall have such other powers and duties as provided by the regulations of the Planning, Zoning, the Historic District Commissions and the Inland Wetlands Agency and as may be established by order or instruction of the Zoning Commission, the Planning Commission, the Historic District Commission or the Inland Wetlands Agency not inconsistent with law.
18. *Tree Warden.* A Tree Warden shall be appointed to perform such duties and functions as are provided in the General Statutes.
19. *Director of Parks and Recreation.* The Board of Selectmen, giving consideration to the candidates recommended by the Parks and Recreation Commission pursuant to Section 602(H) of this Charter, shall appoint a Director of Parks and Recreation to oversee the management and use of Town park property including structures on such property, and Town greens as designated by the Board of Selectmen. In addition to the powers and duties described in Section 801(A) of this Charter, the Director of Parks and Recreation shall have such powers and duties as may be

established by order or instruction of the Park and Recreation Commission not inconsistent with law.

Section 802. Bonds.

All officers and employees who are required to do so by the Board of Selectmen or the General Statutes shall provide the Town with a surety company bond in such form as is prescribed by the Selectmen and approved by Town Counsel. The Board of Selectmen shall fix the sum of the bond, which shall be no less than the amount required by the General Statutes for such officers or employees. Such bond shall be conditioned upon the honest and faithful performance of such official duties and shall be filed with the Town Clerk by the officer or employee prior to commencing his official duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, a position schedule bond or blanket bond, or from prescribing which officers and employees shall be covered by a specific type of the aforementioned bonds. The premium for the bonds shall be paid by the Town.

Section 803. Pension Plan.

The provisions of the retirement and pension plan(s) for Town employees in force on the effective date of this Charter shall remain in full force and effect until such time as said plan(s) are amended.

CHAPTER IX. STANDARDS OF CONDUCT

Section 901. Conflict of Interest.

A. *Declaration of Policy.*

1. The proper operation of the government of the Town of Woodbury requires that public officers, employees, and members of boards and commissions be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the government structure and free from coercive or other improper influence; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government.
2. The purpose of this Section 901 is to set forth standards of ethical conduct to assist public officers, employees, members of boards and commissions and persons dealing with them, when they are in the performance of their duties, so as to maintain and enhance a tradition of responsible and effective public service.
3. In the interest of ensuring that concerns regarding possible conflict of interests are promptly raised, this Section 901 permits a concern that a conflict of interest may exist to be raised by any Voter, regardless of whether the Voter would be considered an aggrieved party as that term is interpreted under Connecticut law. Any failure to observe the procedures set forth in this Section 901 shall not, however, afford a basis for an action for damages against the Town, any Town board, commission, agency or employee, or any member of any Town board or commission, or for challenging a decision, license, permit or other action of a Town employee, board or commission or member of same by a person who would not, but for the provisions of this Section 901, have standing to bring such an action.

B. *Definitions.* The following definitions shall apply to this Section 901:

1. *Conflict of Interest.* A conflict of interest shall be deemed to exist if any Town officer, employee, or member of any board or commission has a financial or personal interest, direct or indirect, in any purchase, contract, transaction, or decision involving his office, board, commission or employment.

2. *Financial Interest.* A financial interest shall be deemed to exist if:
 - a. Any such officer, member or employee might, directly or indirectly, derive pecuniary or financial gain or suffer loss from any purchase, contract, transaction or decision involving his office, board, commission or employment; or
 - b. A business or professional enterprise in which such officer, employee or member has any interest as an owner, member, partner, officer, employee or stockholder or has any other form of participation that will be affected by the outcome of the matter under consideration.
 3. *Personal Interest.* A personal interest shall be deemed to exist if any such officer, member or employee shall have an interest with a person involved in any such contract, transaction or decision by reason of:
 - a. Relationship within the fourth degree by blood or marriage; or
 - b. Close business relationship; or
 - c. Prejudicial relationship.
 4. *Material Conflict of Interest.* A conflict of interest shall be deemed to be material where a reasonable person would conclude that the financial or personal interest:
 - a. is incompatible, or would to a reasonable person appear to be incompatible, with the proper discharge of official duties; or
 - b. would tend to impair, or would to a reasonable person appear to impair, independence of judgment and action in the performance of official duties.
- C. *Disclosure of Conflict.*
1. Any Town officer, employee, or member of any Town board or commission who has a conflict of interest as defined herein, whether or not such conflict is material, shall disclose the interest causing such conflict in writing to the Board of Selectmen.
 2. Any member of any Town board or commission who has a conflict of interest, whether or not such conflict is material, shall, in addition to the disclosure required by Section 901(C)(1) disclose the interest causing such conflict to such board or commission, and such disclosure shall be recorded in the board's or commission's minutes.
- D. *Claim of Conflict.* If a taxpayer or elector formally claims to the Board of Selectmen that any Town officer, employee, or member of any Town board or commission has an undisclosed conflict of interest, the Board of Selectmen shall record the claim in its minutes. If such a claim is made against a member of a board or commission, that board or commission also shall record the claim in its minutes.
- E. *Determination of Materiality.*
1. In the event that a disclosure or a claim of a conflict of interest with respect to any Town officer or employee has been made to the Board of Selectmen, and the officer or employee does not disqualify himself from matters with respect to which the conflict of interest allegedly exists, the Board of Selectmen promptly shall inquire into the facts of the matter and determine whether or not a conflict exists and if so, whether it is material.
 2. In the event that a disclosure or a claim or a conflict of interest with respect to any member of a Town board or commission has been made to such board or commission, and the member does not disqualify himself from matters with respect to which the conflict of interest allegedly exists, the

board or commission shall forthwith determine by a majority of those members present, excluding the member whose interest is in question, whether or not a conflict exists and, if so, whether it is material.

- F. *Disqualification.* If it has been determined that a material conflict of interest exists, the Town officer, employee or member of any Town board or commission who has the conflict shall be disqualified from discussing or acting upon any matter encompassed by that conflict of interest, and shall leave the room during any public hearing, discussions or deliberations regarding the matter. Any Town officer, employee or member of any Town board or commission may disqualify himself even though the conflict of interest has not been determined to be material.
- G. *Gifts and Favors.* No Town officer, employee, or member of any Town board or commission shall accept or receive, directly or indirectly, anything of value (whether by rebate, gift, promise, obligation or contract for future reward or compensation or otherwise) as consideration for awarding or influencing the award of any decision, permit, license, contract or purchase order by the Town.
- H. *Representation.* No person who is a member or has within the past twelve (12) months been a member of the Planning Commission, Zoning Commission, Zoning Board of Appeals, Historic District Commission or Inland-Wetlands Commission shall appear on behalf of or represent in any manner any person or entity other than himself before the Planning Commission, Zoning Commission, Zoning Board of Appeals, Historic District Commission or Inland-Wetlands Commission whether or not he is a member of the board or commission hearing the matter.
- I. *Independent Contractors.* Before hiring any consultant, independent contractor or other advisor, the officer, employee, board or commission that proposes to hire the independent contractor shall inquire whether the independent contractor has any conflict of interest as that term is defined in this Section 901 or as defined in any code of ethics or similar code applicable to the independent contractor. Any such conflict shall be specified in the appropriate Town records (such as minutes of any relevant board or commission). Prior to hiring any independent contractor with a conflict, the officer, employee, board or commission proposing to hire the independent contractor must make a determination that the conflict is not material and/or that despite the conflict, the independent contractor should be hired. The decision and the reasons therefore must be a matter of public record.
- J. *Procedure.* All claims pertaining to a violation of this Section 901 shall be made, in writing, to the Board of Selectmen and shall specify the facts of the violation and the provision of this Section 901 that has been breached. The Board of Selectmen shall select two (2) of its members, who shall select a third person who shall be a resident of Woodbury but shall not be a Town officer, employee or member of any Town board or commission. Such body shall, after a hearing, adjudicate the matter, make written findings of fact, conclusions of law, and its decision, and determine the penalty, if any, which shall be imposed.
- K. *Penalties.*
 - 1. Any violation of this Section 901 may be grounds for removal from any appointed office and/or dismissal from employment with the Town.
 - 2. Any violation of this Section 901 may be grounds for disciplinary, civil, judicial or administrative action against the officer, employee or member of a Town board or commission.
 - 3. Any violation of this Section 901 shall render any purchase, contract, or transaction affected thereby voidable by the Board or Selectmen.
 - 4. Any violation of this Section 901 with respect to any decision of a board or commission shall be subject to such remedies as may be provided by law.

5. The penalties provided above are in addition to any other penalties provided by law to address violations of the provisions of this Section 901.

Section 902. Concurrent Offices.

- A. No official or employee of the Town, full or part-time, shall serve on any board or commission to which the official or employee reports or acts as staff.
- B. Except as otherwise provided in this Charter, the First Selectman, the Selectmen, the Town Clerk, the Tax Collector, and members of the Board of Finance shall hold no other Town office, and the provisions of Section 9-210 of the General Statutes concerning incompatible Town offices shall apply to the officers described therein.
- C. Subject to the restrictions set forth in Section 902(A) and (B) or in applicable law, nothing in this Charter shall prevent the appointment of the same person to more than one office, provided the offices are not incompatible, provided the duties of the offices to which he is appointed may, in the opinion of the Board of Selectmen, be satisfactorily fulfilled by one person, and provided further that inability to fulfill satisfactorily the duties of all offices to which he is appointed shall be cause for removal from any one or more of said offices.

Section 903. Meetings.

- A. **Members' Attendance.** Members of all boards and commissions are expected to attend all meetings of such boards and commissions.
- B. **Alternates' Attendance.** Alternate members of all boards and commissions are expected to attend all meetings of such boards and commissions.
- C. **Voting.** All members of all boards and commissions who have not been disqualified shall vote on all matters upon which a vote is held by such board or commission unless there shall be reasonable cause for abstention and said cause is stated and recorded in the minutes of the meeting.
- D. **Statement of Reasons.** In every case where the action of any board or commission is subject to a right of appeal to another administrative body or to the courts of the State of Connecticut, a statement of the reasons for its action shall be included in the minutes of the meeting.

CHAPTER X. TRANSITION AND MISCELLANEOUS PROVISIONS

Section 1001. Transfer of Powers.

The functions provided for any office, board or commission under the General Statutes or Special Acts concerning the Town or any ordinance or regulations in force at the time this Charter shall take effect shall be thereafter exercised by the office, board or commission upon which are imposed corresponding functions under the provisions of this Charter. Any office, board or commission existing on the effective date of this Charter and not provided for under this Charter shall be abolished. Any office board or commission abolished by this Charter (where no provision has been made herein for the discontinuance of its function) shall continue in the performance of its function until provision shall have been made for the performance of its functions by some other office, board or commission created under this Charter and until the First Selectman shall have notified the members of such abolished office, board or commission that their successors have qualified.

Section 1002. Status of Employees.

All employees of the Town on the effective date of this Charter whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any person holding an elected position which, by this Charter, is made an appointed position shall be entitled to serve the balance of the term for which he was

elected. Similarly, any elected positions created by this Charter shall be filled at the next general or municipal election; a special election need not be called to fill any such positions. Any provision of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, shall continue in effect, until or unless amended or repealed in accordance with the provisions of this Charter.

Section 1003. Transfer of Records and Property.

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

Section 1004. Continuation of Appropriations and Town Funds.

All appropriations approved and in force and all funds, including special or reserve funds in the name of the Town, at the time of the adoption of this Charter shall remain in full force and effect unless and until the same are amended, transferred or abolished under the provisions of this Charter.

Section 1005. Legal Proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any office, board or commission thereof, shall be affected or abated by the adoption of this Charter or by anything contained herein. In the event that the functions, powers and duties of any office, board or commission that is a party to such an action or proceeding are, by or under this Charter, assigned or transferred to another office, board or commission, the action or proceeding may be prosecuted or defended by the head of the office, board or commission to which the functions, powers and duties are assigned or transferred by or under this Charter.

Section 1006. Amendment of Charter.

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

Section 1007. Saving Clause.

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

Section 1008. New Offices or Positions.

- A. Whenever a new office or position is created under this Charter or any amendments hereto, such office or position shall be deemed to be vacant on the effective date of this Charter or amendment and shall be filled by the officer, board or commission having the power to fill vacancies in said office in accordance with the terms hereof.
- B. Where the term for an existing office, board or commission is stated herein as commencing at a date subsequent to the effective date of the amendment describing said term of office, the incumbent officers, board members and commissioners, whether appointed or elected, and whether the office, board or commission was created pursuant to the General Statutes, by previous Charter provision or ordinance, shall serve until removed hereunder or until their successors have been elected or appointed and have qualified. Vacancies in any such existing office, board or commission shall be filled in accordance with the provisions of this Charter.

Section 1009. Public's Right to Know.

All Town officers and employees and all Town boards and commissions, whether established by this Charter or created by ordinance or as a special and temporary committee of the Board of Selectmen, and their members shall conduct their meetings and perform their duties in accordance with the provisions of the Connecticut Freedom of Information Act.

Section 1010. Effective Date.

These Charter amendments shall take effect on [thirty (30) days after the date of approval, as provided by Section 7-191(f) of the General Statutes] if approved.

Note: These Charter amendments were approved at the November 6, 2001 General Election.

Appendix A

Number of Persons to be Elected in November of Listed Years

Office	A Years	B Years
Selectmen	3	3
Town Clerk	1	0
Town Moderator	1	1
Board of Assessment Appeals	2	1
Board of Finance	3	3
Inland Wetlands Agency	2	3
Inland Wetlands Alternates	1	2
Planning Commission	3	2
Planning Commission alternates	2	1
Zoning Board of Appeals	2	3
Zoning Board of Appeals alternates	2	1
Zoning Commission	2	3
Zoning Commission alternates	2	1

Election Year

A	B
1995	1997
1999	2001
2003	2005
2007	2009
2011	2013
2015	2017
2019	2021
**	**

**and every four years thereafter

Appendix B

Appointments to be made in given years

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total Members	Terms (Years)
Board of Fire Commissioners	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	5
Building Code Board of Appeals	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	5
Historic District Commission regular members alternates	1	1	1 1	1 1	1 1	1	1	1 1	1 1	1 1	1	1	1 1	1 1	1 1	5 3	5 5
Conservation Commission	2	2	3	2	2	3	2	2	3	2	2	3	2	2	3	7	3
Park & Recreation Commission regular members alternates	1	1 1	2	1 1	1	1 1	2	1 1	1	1 1	2	1 1	1	1 1	2	5 2	4 4
Commission for the Elderly regular members alternates		2 1	3 1		2 1	3 1		2 1	3 1		2 1	3 1		2 1	3 1	5 2	3 3
Library Board of Trustees	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	6	3
Town Retirement and Pension Board	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	5
Public Building Commission	2	3		2	3		2	3		2	3		2	3		5	3