

2-7-2025

Legal Counsel  
Ch. II

## CHAPTER II. THE TOWN MEETING

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### 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.

- A. 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.
- B. Notwithstanding anything to the contrary, no person admitted as an Elector after twelve o'clock noon on the last business day before a Town Meeting shall be permitted to vote in such Town Meeting.<sup>1</sup>
- C. All Town Meetings shall be called by the Board of Selectmen by a Notice as provided in Section 204 of this Charter.
- D. A person who is ineligible to vote in a Town Meeting but is present at such Town Meeting must identify himself/herself to the moderator.<sup>2</sup>

### 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 as set forth in Section 702(0);
2. Sale, lease or other disposition of real property or of an interest(s) in real property owned by the Town having a value in excess of five thousand dollars (\$5,000.00)<sup>3</sup>. Town Meeting Approval is not required for a lease for a term of two years or less for a use which has been previously approved by a Town Meeting. However such lease 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 the tangible personal property owned by the Town other than the tangible personal property of the Town which the Board of Selectmen is empowered to dispose of pursuant to Section 402(K)(2) and Section<sup>4</sup> 402(K)(3);
4. Acceptance of conveyances of real property or an interest(s) in real property

<sup>1</sup> To be discussed at 2/10/25 meeting.

<sup>2</sup> To be discussed at 2/10/25 meeting.

<sup>3</sup> Addressed at the May 13, 2024 meeting.

<sup>4</sup> Addressed at the May 13, 2024 meeting.

other than such conveyances which the Board of Selectmen is empowered to accept pursuant to Section 402(J)(2)(a)<sup>5</sup>;

5. Discontinuance of public highways as provided in Section 402(L); and
  6. Approval or repeal of all Ordinances and amendments thereto, except for emergency ordinances adopted by the Board of Selectmen pursuant to Section 402(I)(2).
- B. *Vote Required/or 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 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

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<sup>5</sup> Addressed at the May 13, 2024 meeting.

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 April<sup>6</sup> 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 following Monday<sup>7</sup>. No town board, commission may schedule a meeting that would conflict with these regular Town Meetings.

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1. *Annual Budget Meeting.* The Regular Town Meeting held in April<sup>8</sup> 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.

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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 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 a majority of<sup>9</sup> 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

<sup>6</sup> Adopted at January 29, 2025 meeting.

<sup>7</sup> Addressed at the June 3, 2024 meeting.

<sup>8</sup> Adopted at January 29, 2025 meeting.

<sup>9</sup> Addressed at the June 3, 2024 meeting.

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 ~~twenty (20)~~<sup>10</sup> 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.

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

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**A. Content of Notice.**

- 1. *Generally.* The Notice of each Town Meeting, each Public Hearing and each Vote by Voting Tabulator<sup>1112</sup> shall be set forth in a Notice which shall:

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- 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 Tabulator<sup>1314</sup>, 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.

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- 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

<sup>10</sup> Addressed at the June 3, 2024 meeting.

<sup>11</sup> Addressed at the June 3, 2024 meeting.

<sup>12</sup> Changed from Voting Machine to Voting Tabulator by adoption at the July 10, 2024 meeting.

<sup>13</sup> Addressed at the June 3, 2024 meeting.

<sup>14</sup> Changed from Voting Machine to Voting Tabulator by adoption at the July 10, 2024 meeting.

- 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 Tabulator<sup>15</sup>; and
- (iii) At least seven (7) days prior to the date set for any public hearing, except as may otherwise be required under the General Statutes.

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b. The Notice shall be posted on the Town Bulletin Board and published in a newspaper having circulation in the Town and on<sup>16</sup> the Town website.

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2. *Additional notification.* At least five (5) days prior to the date of the Town Meeting, the First Selectman shall cause a Notice<sup>17</sup> 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.

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**205. Conduct of Town Meetings.**

<sup>15</sup> Adopted at the July 10, 2024 meeting.

<sup>16</sup> Addressed at the June 3, 2024 meeting.

<sup>17</sup> Addressed at the June 3, 2024 meeting.

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 Voting by Voting Tabulator*<sup>1819</sup>.

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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 Tabulator<sup>20</sup>.

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2. *On Petition.*

a. Any item in the Notice of a Town Meeting shall be subject to a Vote by Voting Tabulator<sup>21</sup> 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:

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(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 Tabulator<sup>22</sup> is called for; and

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(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.

<sup>18</sup> Addressed at the June 3, 2024 meeting.

<sup>19</sup> Changed from Voting Machine to Voting Tabulator by adoption at the July 10, 2024 meeting.

<sup>20</sup> Adopted at the July 10, 2024 meeting.

<sup>21</sup> Adopted at the July 10, 2024 meeting.

<sup>22</sup> Adopted at the July 10, 2024 meeting.

- 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 Tabulator<sup>23</sup> or for which a sufficient petition for a Vote by Voting Tabulator<sup>24</sup> 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 fourteen (14) 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 majority of the Board of Selectmen.<sup>25</sup> 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 tabulators<sup>26</sup> 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.

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I.→ 1796 Special Act Resolving Incorporating the Town of Roxbury, Special Acts Volume 1, page 1182.¶

¶  
1816 Special Act Resolving Incorporating the Strict Congregational Church of the Town of Woodbury, Special Acts Volume 1, page 560.¶

¶  
1848 Special Acts Establishing Division Line Between Towns of Woodbury and Roxbury, Special Acts Volume IV, page 1286.¶

¶  
1909 Special Act Concerning School Property in the Town of Woodbury, Special Acts Volume XV, page 728.¶

¶  
1961 Special Act Concerning Action by the Town of Woodbury on Recommendations of the Board of Finance Special Acts Volume XXX, page 204.¶

¶  
1965 Special Act Placing the Town Clerk of Woodbury on Salary, Special Acts Volume XXXII, page 44.¶

¶  
1969 Special Act Creating the Pomperaug Valley Water District Commission, Special Acts Volume XXXIV, page 194.¶

The Special Acts specified in 1-4 and 6-7 above generally no longer have any operative effect for the Town of Woodbury and are included for historical reference. As for Special Act specified in Item 5 above, see Sections 702(D)(3) and 703(B)(2d) of the Charter.

<sup>23</sup> Adopted at the July 10, 2024 meeting.

<sup>24</sup> Adopted at the July 10, 2024 meeting.

<sup>25</sup> Addressed at the June 3, 2024 meeting.

<sup>26</sup> Adopted at the July 10, 2024 meeting.