

## 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 of Selectmen'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, temporary and ad hoc 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, 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.* Except as provided in Section 702(C)(1)(d), the Board of Selectmen shall set the salaries, wages or other compensation of all Town employees not set in accordance with Section 502(8)(6) hereof, in conformity with the Pay Plan established by the Board of Selectmen pursuant to Section 502(8)(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. *Strategic Plan.* The Board of Selectmen shall, on or before December 15 of each calendar year, adopt a five (5) year strategic plan for the purposes of identifying the Board of Selectmen's goals, objectives, and policy priorities for the Town for the next five (5) fiscal years.<sup>1</sup>
  
- H. *Joint Meetings of Land Use Commissions and Officials* The Board of Selectmen shall call and hold a joint meeting of all land use commissions and all land use officials during the month of January in each calendar year to consider those items which the Board of Selectmen and the chairman of the land use commissions have caused to be included on the agenda for that joint meeting. This January joint meeting shall be considered a regular meeting of the Board of Selectmen. The Board of Selectmen may call and hold additional joint meetings of all land use commissions and all land use officials as the Board of Selectmen determines necessary. Such additional meeting(s) shall be 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 the additional joint meetings. Additional joint meetings shall be considered special meetings of the Board of Selectmen. For purposes of this Section, land use commissions shall be the Planning Commission, the Zoning Commission, the Zoning Board of Appeals, and the Inland-Wetlands Agency.<sup>2</sup>
  
- I. *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.
  
- J. *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

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<sup>1</sup> To be discussed 1/29/25

<sup>2</sup> To be discussed 1/29/25

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, codified 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 public health and safety, public property or the lives, health or property of residents.<sup>3</sup>
- 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 statement<sup>4</sup> 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 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.

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<sup>3</sup> Addressed at the June 12, 2024 meeting.

<sup>4</sup> Addressed at the June 12, 2024 meeting.

K. *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(1)(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 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(1) shall be construed as affecting the requirements of Section 8-24 of the General Statutes concerning referrals to the Planning Commission.

L. *Disposition of Town Property.*

1. The Board of Selectmen may, without approval by town meeting, sell, lease, or other dispose of Town real property having a value not in excess of five thousand dollars (\$5,000.00).<sup>5</sup> The Board of Selectmen may recommend the sale, lease or other disposition of real property owned by the Town having a value in excess of five thousand dollars (\$5,000.00). 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.

M. *Discontinuance of Public Highways.*

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<sup>5</sup> Corresponds with the change to Section 202(A)(2) discussed on May 13, 2024.

1. Proposed discontinuances of public highways <sup>6</sup>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(1) shall be construed as affecting the requirements of Section 8-24 of the General Statutes concerning referrals to the Planning Commission.
- N. *Code of Conduct.* The Board of Selectmen shall appoint, by resolution, an ad-hoc committee to create a Code of Conduct that will bind all employees of the Town and their interactions with the public, as well as how all boards and commissions shall conduct Public Hearings and/or meetings. The term of this ad-hoc committee shall expire upon the acceptance and adoption of a Code of Conduct by the Board of Selectmen. The Board of Selectmen shall approve the Town Counsel, as defined in Chapter VIII of this Charter, to provide legal services to assist the ad-hoc committee in the development and drafting of the Code of Conduct.<sup>7</sup>

#### **Section 403. Organization.**

- A. The Board of Selectmen shall meet on the first Monday in December after the municipal election, with the new 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

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<sup>6</sup> Addressed at the June 12, 2024 meeting.

<sup>7</sup> To be discussed 1/29/25

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 Jaw.
- 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 General Statutes. Minutes of meetings of the Board of Selectmen shall be filed in the Office of the Town Clerk.

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#### **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.

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<sup>8</sup> Addressed at the June 12, 2024 meeting.