

## **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" (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 of the State of Connecticut (the "Constitution") and the General Statutes of the State of Connecticut (the "General Statutes").

### **Section 102. General Grant of Powers.**

In addition to all powers granted to towns under the Constitution and General Statutes, 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, 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 General Statutes, federal law and regulation, or the United States 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containing provisions calling for performance by or for the benefit of any office, board, or commission abolished or superseded by this Charter shall continue in full force and effect.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, agencies, boards, departments, and offices 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 General Statutes and Connecticut Public or Special Acts except those which strictly relate to municipal affairs which have been delegated to the Town by Connecticut's Home Rule Act, Section 7-87, et seq.
- C. All references to General Statutes shall include the statute in effect on the date hereof and as may be amended hereafter.

**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. Unless otherwise required by law, whenever a period of time is specified for the giving of notice or taking any other legal action, the date that such notice is given shall be included in calculating such period of time, but the date of the event identified in such notice shall be excluded. In calculating a period of time defined as a certain number of "business days," Saturdays, Sundays, and legal holidays shall be excluded from such period of time defined as a certain number of "business days"; however, Saturdays, Sundays, and legal holidays shall be included in the calculating of all other such periods of time.
- C. The following terms, when used herein, shall have the meaning set forth below:
  - 1. "Annual Budget" shall mean the total adopted budget for the Town, including the municipal budget, the Annual Educational Budget, Woodbury's share of the Housatonic Valley Health District budget, Woodbury's portion of the Region #22 Probate Court budget, and Woodbury's required portion of any other third-party budget, all approved as set forth in Section 702 of this Charter.
  - 2. "Annual Budget Meeting" shall mean the Town Meeting held for purposes of adopting the Annual Budget, as set forth in Section 702 of this Charter.
  - 3. "Annual Educational Budget" shall mean the amount of funding the Town shall be obligated to contribute to the adopted Region 14 Board of Education budget.
  - 4. "Boxholder" shall mean a person who has a mailing address within the Town recognized by the United States Postal Service ("USPS").
  - 5. "Constitution" shall mean the Constitution of the State of Connecticut.
  - 6. "Elector" shall have the meaning set forth in Section 9-1 of the General Statutes.
  - 7. "Final Proposed Annual Budget" shall mean the budget presented to the Annual Budget Meeting by the Board of Finance as set forth in Section 702(C) of this

Charter.

8. "General Statutes" shall mean the General Statutes of the State of Connecticut.
9. "Municipal Election" shall have the meaning set forth in Section 9-1 of the General Statutes.
10. "Operational Surplus" shall mean the net results from operations for the fiscal year preceding the proposed budget which may be used as a funding source in the proposed budget at the Board of Finance's discretion.
11. "Ordinances" shall mean the Code of Ordinances of the Town.
12. "Pay Plan" shall mean a supporting schedule of wage and salary levels applicable to all Town employee personnel classifications.
13. "Proposed Annual Budget" shall mean the budget submitted by the Board of Finance for Public Hearing in accordance with Section 702(C) of this Charter.
14. "Proposed BOS Budget" shall mean the proposed budget recommended by the Board of Selectmen and submitted to the Board of Finance in accordance with Section 702(B) of this Charter.
15. "Public Hearing" shall mean a publicly noticed Town meeting or other official proceeding wherein testimony may be offered by interested parties and the public on a specific issue, topic, or agenda item.
16. "Registry List" shall mean the list of registered voters maintained by the Town Registrars.
17. "Strategic Plan" shall mean the strategic plan for the Town of Woodbury, prepared and adopted as set forth in Section 402 of this Charter.
18. "Town Bulletin Board" shall mean an exterior place or signpost near the office of the Woodbury Town Clerk designated for posting warnings of town meetings.
19. "Town Counsel" shall mean the attorney selected to represent the Town, as provided in this Charter.
20. "Unassigned Fund Balance" shall mean the accumulated funds available at Board of Finance's discretion consistent with the Fund's policy.
21. "Voter" shall mean persons eligible to vote as set forth in Section 7-6 of the General Statutes.
22. "Vote by Voting Tabulator" shall mean vote by a machine, including, but not limited to, a device which operates by electronic means, for the registering and

recording of votes cast at elections, primaries, and referenda.

**Section 106. Oath of Office.**

Each of the First Selectman, Selectmen, and every officer of the Town or member of any Town board, commission, agency, or committee shall, before entering upon the duties of their several offices, make oath before some competent authority in the form of the following:

“You \_\_\_\_\_, having been chosen \_\_\_\_\_ of the Town of Woodbury, do solemnly swear or affirm, as the case may be, that you will support the Constitution of the United States and the Constitution of the State of Connecticut so long as you continue as a citizen thereof, that you are not subject to any of the disqualifications from holding said office enumerated in the Charter of the Town of Woodbury, and that you will faithfully discharge the duties to the best of your skill and ability.”

## 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.

- 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.
- 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.

### 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(D);
  - 2. Sale, lease, or other disposition of real property, or of an interest(s) in real property owned by the Town and having a value in excess of five thousand dollars (\$5,000.00). Town Meeting Approval is not required for a lease for a term of two (2) years or less for a use which has been previously approved by Town Meeting. However, such lease must also (i) be recommended by the Board of Selectmen as provided in Section 402(L) 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(L)(2) and Section 402(L)(3);
  - 4. Acceptance of conveyances of real property or an interest(s) in real property other than such conveyances which the Board of Selectmen is empowered to accept pursuant to Section 402(K)(2)(a);
  - 5. Discontinuance of public highways as provided in Section 402(M); 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(J)(2).

B. *Vote Required or Town Meeting Approval.*

1. *In General.* Except as otherwise specified herein, all matters submitted to the 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(s) 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(K)(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(s) in real property.* The Town may accept any conveyance other than gifts or bequests of real property or interest(s) 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(K)(1)(b).
  - b. Where the Board of Selectmen is empowered to accept the conveyance, as provided in Section 402(K)(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(K)(1)(b), or where the Board of Selectmen has rejected a conveyance, as provided in Section 402(K)(1)(b), 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 (2) regular Town Meetings shall be held in each year, one on the third (3<sup>rd</sup>) Monday in April and one on the third (3<sup>rd</sup>) Monday in

November (each a “Regular Town Meeting”). If the date for any such meeting falls on a legal holiday, the meeting shall be held on the following Monday. No town board, agency, committee, or commission may schedule a meeting that would conflict with these Regular Town Meetings.

1. *Annual Budget Meeting.* The Regular Town Meeting held in April 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 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 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, shall 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) days after the receipt of the petition by the Town Clerk, unless the Board of Selectmen 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 Tabulator.**

A. *Content of Notice.*

1. *Generally.* The notice of each Town Meeting, each Public Hearing, and each Vote by Voting Tabulator 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 Tabulator, 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 Tabulator;  
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.

b. The Notice shall be posted on the Town Bulletin Board, published in a newspaper having circulation in the Town, and posted on the Town website.

2. *Additional notification.* At least five (5) days prior to the date of the Town Meeting, the First Selectman shall cause a 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 Town 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 Voting by Voting Tabulator.*

1. *Specified by Board of Selectmen.* The Board of Selectmen shall 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.

2. *On Petition.*

- a. Any item in the Notice of a Town Meeting shall be subject to a Vote by Voting Tabulator if a petition is filed, in writing, in the Town Clerk's Office at least three (3) business days prior to the day 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 Tabulator 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 Tabulator or for which a sufficient petition for a Vote by Voting Tabulator 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. 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 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 twelve o'clock noon.

### **CHAPTER III. ELECTED OFFICERS, BOARDS, AGENCIES, AND COMMISSIONS**

#### **Section 301. General.**

Nominations and elections of federal and state officers and of such elected municipal officers and members of boards, agencies, 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 the General Statutes. The election of Town officers and members of boards, agencies, and commissions shall be held biennially on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in November in the odd numbered years.

#### **Section 302. Elected Officers and Members of Boards, Agencies, and Commissions.**

The following elected municipal officers and members of boards, agencies, and commissions shall be elected for the terms herein specified to perform the duties prescribed in this Charter and in the General Statutes, including, but not limited to, the specific General Statutes herein referred to, as may be 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, in accordance with Section 9-188 of the General Statutes, at a municipal election as set forth in Appendix A. Beginning with the 2027 municipal election, the First Selectman shall be elected for a term of four (4) years. Selectmen shall be elected for a term of two (2) years. 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. Notwithstanding anything in the Charter to the contrary, any unsuccessful candidate for the Office of First Selectman shall be deemed ineligible for a seat on the Board of Selectmen regardless of the number of votes the candidate receives. No person may simultaneously seek the Office of First Selectman and the Office of Selectman. Notwithstanding anything in the General Statutes to the contrary, and not including any vote cast for the Office of the First Selectman, each Elector may vote for two (2) candidates for the Office of Selectman.
- B. *Town Meeting Moderator.* A Town Meeting Moderator shall be elected at alternate municipal elections as set forth in Appendix A for a term of four (4) years. The Town Meeting Moderator shall have all the powers conferred upon him/her and shall perform all the duties required of him/her 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/her, and shall perform all the duties required of him/her, 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, agencies, committees, and commissions, all as provided by the General Statutes, 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.
- E. *Board of Finance.* There shall be a Board of Finance consisting of six (6) members who 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, and approving all fiscal policies directed or generated by the Town.
- 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. 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 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 Watercourses Agency.* There shall be an Inland-Wetlands Watercourses 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 Watercourses Agency shall have all the powers conferred upon it and shall perform all the duties required of it by law.

### **Section 303. Elected State 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 of Voters shall have the powers and perform the duties specified in the General Statutes. Pursuant to Section 9-192 of General Statutes, each of the two (2) Registrars of Voters, immediately after his/her election, shall appoint a Deputy Registrar of Voters to hold office at his/her pleasure and to serve in accordance with said statute. Each Deputy Registrar of Voters shall regularly work in the Registrars' Office and be trained a minimum of forty (40) hours per year.
- B. *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 the General Statutes and in the Town's Ordinances. 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, Agencies, 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, board and agency 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, agency, or commission shall, at its first meeting each year, elect a chairman and vice-chairman and other officers it requires.

**Section 307. Minority Representation.**

A. In order to give an opportunity for more than one (1) political party to be represented on all elected boards, commissions, agencies, 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.

<u>Column I</u>	<u>Column II</u>
Total Membership of Board, Agency, Commission, Committee, or Similar Body	Maximum From One (1) Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than nine (9)	Two-thirds (2/3) 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 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.

Nothing herein shall be construed as requiring the election or appointment to any such board, agency, commission, committee, or similar body of the maximum number of members of the same political party permitted hereunder.

- E. Notwithstanding the foregoing, the Charter Revision Commission shall be comprised as defined in Section 7-190 of the General Statutes. Members of the Board of Finance shall be permitted to serve on the Charter Revision Commission.

### **Section 308. Eligibility.**

No person shall be eligible for election to any board, agency, 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. *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.
4. *Other Vacancies.* Any other vacancy, from whatever cause, arising in any elected Town office or on any elected commission, agency, 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, agency, 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 or (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, all elected commissioners, board and agency members shall serve without compensation except the members of the Board of Selectmen, the Town Clerk, Registrars of Voters, and the Tax Collector, who shall receive such compensation as shall be provided in the Annual Budget.

**Section 311. Resignation.**

Any resignation shall be in writing and filed with the Town Clerk via electronic mail, overnight courier, USPS, or hand delivery. The Town Clerk shall send copies of the letter of resignation to the chair of the appropriate board, agency, or commission and to the First Selectman or, in case of resignation of the First Selectman or of a chair of a board, agency, or commission, to the remaining members of the relevant board, agency, 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.

**Section 312. Conduct of Boards, Agencies, and Commissions.** See Chapter IX for conduct of boards, agencies, and commissions.

## 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 earlier of the next municipal election or the date as is set by the Board of Selectmen.
- 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 of Selectmen 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)(2)(e), 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 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.

Prior to approving the compensation package for a new position that is not included in the then effective Pay Plan, the Board of Selectmen shall submit to the Board of Finance the total value of the entire compensation package for such new position, including, without limitation, any and all salary, wages, fringe benefits, and any other monetary or nonmonetary remuneration (the "Full Compensation Package"). If the First Selectman or department head is authorized by delegation of the Board of Selectmen to create such new position, the First Selectman or department head, as the case may be, shall, prior to offering such compensation package, submit the Full Compensation Package to the Board of Selectmen for review and approval and, upon approval by the Board of Selectmen, submit the Full Compensation Package to the Board of Finance.

Additionally, should any existing position be expanded in a manner that results in a modification to the budget set forth in the then effective Pay Plan for such position, or in additional benefits or remuneration not identified in the Pay Plan being awarded, the Board of Selectmen shall first present any Pay Plan modification and additional benefits and remuneration to the Board of Finance. If the First Selectman or department head is authorized by delegation of the Board of Selectmen to expand an existing position in a way that results in the modification to the budget set forth in the then effective Pay Plan or to an expansion of benefits or remuneration for such position, the First Selectman or department head, as the case may be, shall first submit the Pay Plan modification and additional benefits and remuneration to the Board of Selectmen for approval, and upon approval by the Board of Selectmen, submit the Pay Plan modification and additional benefits and remuneration to the Board of Finance.

- 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 and any agency thereof, and 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, agency, committee, 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 September 15<sup>th</sup> 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.
- H. *Joint Meetings of Land Use Agencies, Commissions and Officials.* The Board of Selectmen shall call and hold a joint meeting of all land use agencies, 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 chairmen of the land use agencies and 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 agencies, 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 agencies and 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 agencies, commissions shall include the Planning Commission, the Zoning Commission, the Zoning Board of Appeals, the Inland-Wetlands Watercourses Agency, the Historic District Commission, and other boards, agencies and commissions as the Board of Selectmen deems appropriate. All other Town boards, agencies and commissions may, at their discretion, attend any joint land use meeting. The Board of Selectmen shall notify Region 14 Board of Education of any joint land use meeting.

I. *Joint Meetings of Boards, Agencies, Committees, and Commissions.* In addition to joint meetings with land use commissions, agencies, and officials, the Board of Selectmen may call and hold such joint meetings with Town officers, boards, agencies, committees, 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 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 (1) 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 of Selectmen 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.
- b. The Board of Selectmen shall include in each such emergency ordinance a statement of the findings required by Section 402(J)(2)(a) above, including a statement of the facts on which the findings were made.
- c. The emergency 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 (61<sup>st</sup>) 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.

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 is 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(K)(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/her 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 Interest(s) in Real Property.*

- a. *Connected with improvement of existing Town highways, 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 Watercourses Agency.
  - (iv) The conveyance is 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(K)(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/her 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(K) 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 otherwise dispose of Town real property having a value not in excess of five thousand dollars (\$5,000.00). Notification of the Board of Selectmen's intention to sell said real property shall be published on the Town's website to secure

adequate bids. 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 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 Board of Selectmen's intention to sell said tangible 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.*

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(M) 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 and Independent Contractors of the Town and their interactions with the public, as well as how all boards, agencies, commissions, and committees 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.

**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 (1) of the two (2) 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 of Selectmen.

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

**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/her 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, agencies, committees, 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, agencies, committees, and commissions as he/she 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 Ordinances upon first selectmen, chief executive officers, and chief administrative officers. He/she 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 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 of Selectmen's duties and responsibilities;
  4. Present a state of the Town report to the Annual State of the 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, duties, and responsibilities for appointment to such position.
    - 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 annually, 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 Chart 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, AGENCIES, COMMITTEES 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 as may be imposed by the General Statutes, the officers, boards, agencies, committees, and commissions provided for in this Chapter VI shall be appointed by the Board of Selectmen (except as otherwise specified herein) to perform the duties and functions provided in this Charter, the Ordinances, and the General Statutes.

### Section 602. Appointed Boards, Agencies, Committees, 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. *Office of Emergency Management.* There shall be an Office of Emergency Management 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 Ordinances. The Office of Emergency Management 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 a Historic District Commission consisting of five (5) members and three (3) alternate members, appointed as set forth in Appendix B as terms of incumbent members expire. At least two (2) members and one (1) alternate member must reside in a Town Historic District, as defined in the

Ordinances. The Historic District Commission shall have all the powers conferred on it and perform all the duties required by law. Notwithstanding any provision of this Charter to the contrary, no member or alternate member shall hold any salaried Town office while serving on the Historic District Commission.

- F. *Representatives to the Regional Planning Commission.* There shall be two (2) representatives to the Naugatuck Valley Council of Government's Land Use Technical Advisory Committee, or such committee's authorized successor, 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. Neither appointment must be a member of the appointing 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 Board of 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 is concerned primarily with long range goals and strategic planning to advance the objectives of the Park and Recreation Department. The Chairman, or his/her designee, shall be involved in the interview process and make recommendations to the Board of Selectmen for appointment to the position of Director of the Park and Recreation Commission. It shall work with the Director to provide support and encouragement to the department and promote its mission in the community. The Park and Recreation Commission shall review and recommend whether or not any gift, devise, or bequest should be accepted and for what specific purpose(s) it should be used. The Park and Recreation Commission shall have all the powers conferred on it and perform all the duties required of it by law.
- I. *Commission for Seniors.* There shall be a Commission for Seniors consisting of the Municipal Agent and the Director of Senior Services, who shall be ex-officio members without a vote, and 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 Seniors is concerned primarily with long range goals and strategic planning to advance the objectives of the senior population. The Chairman, or his/her designee, shall be involved in the interview process, and the Commission for Seniors shall make recommendations to the Board of Selectmen for appointment to the position of Director of Senior Services. It shall work with the Director of Senior Services and the Director of Social Services and Municipal Agent to

provide support and encouragement for said Department of Senior Services and promote the Department's mission in the community. It shall review and recommend whether or not any gift, devise, or bequest should be accepted and for what specific purpose(s) it should be used. The Commission for Seniors 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 seven (7) members and two (2) alternate members appointed as set forth in Appendix B as the terms of incumbent members expire. The Library Board of Trustees is concerned primarily with establishing goals, policies, and strategic planning for the Library. The Library Board of Trustees shall work with the Library Director to advocate for, promote, and support the Library and its mission in the community. Notwithstanding anything to the contrary in Chapter 190 of the General Statutes, the Board of Trustees' duties with respect to donations shall be to review and recommend whether or not any gift, devise or bequest should be accepted and for what specific purpose(s) it should be used.

The Chairman of the Library Board of Trustees, or his/her designee, shall participate in the interview process and the Library Board of Trustees shall make recommendations to the Board of Selectmen for the appointment of the Library Director. Except as provided herein, the Library Board of Trustees shall have all the powers conferred on it and perform all the duties required of it by law.

- K. *Town Retirement and Pension Board.*

1. There shall be a Town Retirement and Pension Board consisting of five (5) members, one (1) of whom shall be a member of the Board of Finance, appointed as set forth in Appendix B as terms of incumbent members expire.
2. The Town Retirement and Pension Board shall serve as the administrator of the pension plan(s) for Town employees, and its members shall maintain current knowledge of pension plan designs, investment strategies, and both Federal and State of Connecticut regulations and responsibilities. It shall plan, direct, and monitor investment performance in order to maximize returns consistent with prudent investment management of the assets of pension plans to ensure employee benefit commitments.
3. The Town Retirement and Pension Board shall submit an annual report to the Board of Selectmen and to the Board of Finance on the status of the pension plan and its assets, including, but not limited to, a current actuarial report based on the Pension Plan's assumptions, investment strategies, and the adequacy of its assets to meet the obligations of the Pension Plan.
4. Periodically, but not less than once every three (3) years, the Town Retirement and Pension Board shall submit to the Board of Selectmen and to the Board of Finance a report which analyzes the Pension Plan, its competitiveness, and its investment strategies, and which contains recommended changes thereto, if any.

5. The Town Retirement and Pension Board shall have all the powers conferred on it and it shall 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 and two (2) alternate members, each 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 in order to assist the Board of Selectmen in ensuring that facilities are suited to the Town's needs and are properly constructed, improved, or demolished at the lowest reasonable cost. The Public Building Commission 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 Revision Commission submitted its final report to the Board of Selectmen. 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 Town board, agency or commission may serve on the Charter Revision Commission while they are members of such other Town board, agency or commission. Without limiting the foregoing, members of the Board of Finance shall be permitted to serve on the Charter Revision Commission.
- N. *Technology Commission.* There shall be a Technology Commission consisting of five (5) members and two (2) alternate members appointed as set forth in Appendix B as terms of incumbent members expire.

The main mission of the Technology Commission is:

1. To use new technologies which will provide citizens with improved interaction with Town government and achieve efficiencies in governmental operations.

2. To provide both tactical and strategic guidance to the Town regarding acquisition, operation, and implementation of technology products throughout Town government.
3. To develop and maintain a five (5) year strategic plan with recommendations for investment in hardware, software, training, and management oversight.
4. To develop, maintain, and improve the Town's information technology policies and assist the Town in complying with any future requirements or policies of information networks, e.g. Internet, or regulatory entities, e.g. The Federal Communications Commission (FCC) and Connecticut Department of Public Utility Regulation Authority (PURA).

- O. *Shade Tree and Sidewalk Commission.* There shall be a Shade Tree and Sidewalk Commission consisting of five (5) members and two (2) alternate members appointed as set forth in Appendix B as terms of incumbent members expire.

The Shade Tree and Sidewalk Commission is charged with developing and maintaining a long-range plan for the sidewalks and trees along public sidewalks and roadways. The Commission will emphasize both beautification and public safety as it relates to trees and sidewalks. The Shade Tree and Sidewalk Commission may conduct educational awareness activities in support of pedestrian safety, tree care, and selection. The Shade Tree and Sidewalk Commission shall make recommendations to the Board of Selectmen for funding opportunities as it relates to the long-range plan. It shall have all the powers conferred on it and perform all of the duties required of it by law.

- P. *Arts & Culture Commission.* There shall be an Arts & Culture Commission consisting of seven (7) members and two (2) alternate members appointed as set forth in Appendix B as terms of incumbent members expire. Members and alternate members should be involved in arts and culture. No more than two (2) members and one (1) alternate member may be non-residents of the Town.

The Arts & Culture Commission shall have the goal of protecting, promoting, improving, and expanding the Town's cultural and educational resources. The Arts & Culture Commission shall conduct outreach to determine the needs of the arts and culture community and work to identify funding resources to benefit the same. The Arts & Culture Commission should also work with regional organizations to increase the exposure of the Town's arts and culture offerings.

The Arts & Culture Commission shall have all the powers conferred on it and perform all the duties required of it by law.

- Q. *Business & Economic Development Commission.* There shall be a Business & Economic Development Commission consisting of five (5) members and two (2) alternate members appointed as set forth in Appendix B as terms of incumbent members expire. Members and alternate members shall be involved in the local business

community. No more than two (2) members may be non-residents of the Town, but any non-resident must be a business representative. For purposes of this Section, a business representative shall be an individual who is an owner of a business located in the Town, chief executive, operating officer or equivalent of a business located in the Town, or any person who has primary policymaking or hiring authority for a business located in the Town.

The Business & Economic Development Commission shall have the goal of building a diverse economy around small-scale, independently owned enterprises, including, without limitation, local farms. The Business & Economic Development Commission shall work with businesses located in the Town to identify the needs of the business community and explore ways to address those needs. The Business & Economic Development Commission should also work with regional organizations to promote local businesses and enhance the economic opportunities for such local businesses.

The Business & Economic Development Commission shall have all the powers conferred on it and perform all the duties required of it by law.

### **Section 603. Eligibility.**

Except as herein provided, all appointed board, agency, and committee 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 Ordinances, and the General Statutes.

### **Section 604. Terms.**

All appointed board and agency members and commissioners shall have the terms of office specified in the General Statutes, this Charter, or the Ordinances which, unless otherwise required herein, shall commence on the first Monday in January. All appointed board, agency and committee members and commissioners shall serve for the term to which they are appointed and until their successors are appointed and have qualified. Each board, agency, committee, and 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 an elected board, agency, commission, or similar body of the Town shall apply equally to all appointed boards, agencies, committees, commissions, or similar bodies of the Town.

### **Section 606. Vacancies.**

Except as otherwise provided herein, all vacancies in any appointed board, agency, committee, commission shall promptly be filled by the board, agency, committee, 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, agency, committee, or commission shall serve the unexpired portion of the term and until his/her 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 in the General Statutes, no appointed board, agency, committee, or commission member or alternate shall receive compensation.

### **Section 608. Removal.**

- A. *Failure to Attend Meetings.* Any member of an appointed board, agency, committee, or commission 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, agency, committee, or commission, 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, agency, committee, or commission 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, agency, committee, or commission who (1) is unable to discharge the powers, responsibilities, and duties of his/her position, or (2) violates the conflict of interest provisions of this Charter or of the Ordinances may, after notice and hearing, be removed from such board, agency, committee, or commission 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, Agencies, Committees and Commissions.**

The Town Meeting may, by ordinance, create such additional boards, agencies, committees, and commissions as it may deem necessary or proper for the government of the Town. The ordinance creating any such board, agency, committee, 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, agency, committee, or commission shall be appointed by the Board of Selectmen. Any board, agency, committee, or commission not established by this Charter may be consolidated with another board, agency, committee, 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 1<sup>st</sup> day of July and end on the 30<sup>th</sup> day of June.

### Section 702. Budget Procedure.

A. *Proposed Department Budgets.* On or before December 15<sup>th</sup> in each year, each officer and the department head of each office, board, agency, or commission of the Town that is supported wholly or in part by Town funds, except the Region 14 Board of Education and the Housatonic Valley Health District, shall file with the Board of Selectmen a proposed budget for that office, board, agency, or commission, inclusive of capital items, for the next fiscal year. Such proposed department budget 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 department 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; and
8. A statement describing how the proposed department budget aligns with the most recently adopted Strategic Plan.

B. *Duties of the Board of Selectmen.*

1. Proposed BOS Budget. The Board of Selectmen shall review and approve individually, or modify as it deems appropriate, the proposed department budgets submitted by Town supported offices, boards, agencies, 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 Proposed BOS Budget for the next fiscal year, including the operating budget, the Pay Plan, and the capital budget (for capital items not paid through bonds or other borrowing) to the Board of Finance no later than February 15<sup>th</sup>.

2. Capital Plan. The Board of Selectmen shall submit to the Board of Finance, with the Proposed BOS Budget, for the Board of Finance's review, consideration, and comment, a "Capital Plan" setting forth proposed municipal capital improvement projects with an anticipated cost of less than \$100,000 for the next five (5) fiscal years, and municipal projects with an anticipated cost of \$100,000 or more for the next ten (10) fiscal years, each including, but not limited to, such items in the approved Plan of Conservation and Development ("POCD") as the Board of Selectmen proposes to undertake within those respective five (5) fiscal years or ten (10) fiscal years, together with an estimate of the cost of such projects.
3. Strategic Plan and POCD. The Board of Selectmen shall submit to the Board of Finance, with the Proposed BOS Budget and Capital Plan, a copy of its most recently adopted Strategic Plan and a narrative of how the Proposed BOS Budget facilitates the achievement of such Strategic Plan's goals, objectives, and policy priorities. The narrative shall also set forth how the Proposed BOS Budget facilitates the achievement of the Town's POCD.
4. Annual Tax Rate. In the event (a) the Final Proposed Annual Budget has not been approved by August 1<sup>st</sup> 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 Section 12-123 of the General Statutes.

C. *Duties of the Board of Finance.*

1. The Board of Finance shall review the Proposed BOS Budget and Capital Plan submitted by the Board of Selectmen. If not received by February 15<sup>th</sup> in accordance with 702(B)(1) above, it shall proceed to prepare the Proposed Annual Budget using figures from the last approved Annual Budget.
  - a. As part of its review, the Board of Finance may review any item(s) with the Selectmen and/or the officer, board, agency, commission, or department head who originally prepared and submitted such item(s).
  - b. The Board of Finance may increase or decrease any line item in the Proposed BOS Budget and may add or delete line items.
  - c. If the Board of Finance proposes to materially reduce specific items in the Proposed BOS Budget, it shall give the affected offices, boards, agencies, commissions, or department heads 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 percent (1 %) of the estimated expenditures for the current fiscal year, (ii) the Annual Educational Budget, (iii) funds for preparing and distributing Notices of Town Meetings, and (iv) capital expenditures to the extent not covered through bonds or other borrowing;
  - 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 Operational Surplus available for use in the next fiscal year for the operating budget or for capital projects or for the Unassigned Fund Balance; and
  - e. A Proposed Annual Budget proposed in the year of election of the First Selectman or Selectmen, as the case may be, shall also set the proposed salaries for the First Selectman and the Board of Selectmen for the forthcoming terms of office. Such salaries identified in the Annual Budget shall not be reduced during the First Selectman's term of office, subject to the provisions of this Charter.
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 Town 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 to the Proposed Annual Budget as it shall deem appropriate and shall prepare the 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 Annual Budget Meeting.
6. Within ten (10) days following approval of the Final Proposed 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 Final 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 Final Proposed Annual Budget in full or in part, by line item. See Appendix C.
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 of Finance. See Appendix C.
4. After all modifications pursuant to Sections 702(D)(2) and 702(D)(3) have been adopted, or if no such changes have been adopted, the Annual Budget Meeting shall be adjourned for not less than seven (7) days and not more than thirty (30) days, during which time the Final Proposed Annual Budget, with all modifications adopted in accordance with above Sections 702(D)(2) and 702(D)(3), if any, along with the proposed Annual Educational Budget shall be submitted to referendum for Voting by Voting Tabulator for approval. Appropriate notice shall be given of the place, date, and time of the referendum. Notwithstanding anything in Section 702(D)(4) or 702(D)(3), the Annual Budget Meeting shall not have the power to modify the Annual Educational Budget.
5. If the Final Proposed Annual Budget, as may have been revised in accordance with above Sections 702(D)(2) and 702(D)(3) is defeated at referendum, the Board of Finance shall meet not more than five (5) business days from the date of the initial referendum to vote on a revised budget proposal. The Board of Finance shall entertain input from the public and the Board of Selectmen at that meeting. The revised budget proposal shall be submitted directly to the Electors at a referendum to be held fourteen (14) days from the date of the initial referendum, or any subsequent referendum. The powers conferred upon the Annual Budget Meeting by Special Act 259 approved June 22, 1961, shall be limited to the Annual Budget Meeting held prior to the initial referendum held in accordance with Section 702(D)(4) but shall not otherwise be exercised. Notwithstanding anything to the contrary contained herein this Section 702(D)(5), in the event of any Special Town Meeting pertaining to any budget matter, the powers of the Special Act 259, approved June 22, 1961, shall apply.
6. If the proposed Annual Educational Budget is defeated at referendum, a revised proposed Annual Educational Budget shall be submitted to the Electors at a referendum to be held in accordance with the then effective procedures of the Region 14 Board of Education.
7. If both the Proposed Annual Budget and the proposed Annual Educational Budget

fail at a referendum, then the subsequently revised proposed annual budget shall be submitted to referendum on the same day that the subsequently revised proposed Annual Educational Budget is submitted to referendum.

8. The process set forth in Sections 702(D)(5) through 702(D)(7) shall be repeated until both an annual budget and an Annual Educational Budget are adopted.

### **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, agency, or commission, such office, board, agency, or commission may, with the prior approval of the First Selectman, transfer funds within the appropriation for such office, board, agency, or commission. Such transfers shall not, during the fiscal year, exceed an aggregate of five thousand dollars (\$5,000.00) for any office, board, agency, 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 department, office, board, agency, or commission in excess of the amount appropriated in the Annual Budget for such department, office, board, agency, or commission, or for a purpose for which there is no appropriation in the Annual Budget, such department, office, board, agency, 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 along 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 department, office, board, agency, or commission, provided no such transfers to any such department, office, board, agency, or commission shall in the aggregate during the fiscal year exceed the higher of twenty thousand dollars (\$20,000) or five percent (5%) of the total approved department budget for the current fiscal year unless the transfer has been approved by 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 of Finance 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; and

- 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)(1) of this Chapter;
- b. Vote to make the additional appropriation recommended by the Board of Finance;
- c. Vote to make an additional appropriation as recommended by the Board of Finance, but in a lesser amount;
- 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 703(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, agency, or commission except as authorized by the Fiscal Officer, or his/her 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/her 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 fiscal 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, agency, 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, agency, 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, agency, commission, or employee.

#### **Section 705. Special Funds.**

All those funds established under Section 402(K)(1) of this Charter and any other non-budgeted funds shall be under the oversight of the Board of Finance, which may establish policies and procedures for their use. All expenditures are subject to Section 704 of this Charter.

#### **Section 706. 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, agency, 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 707. Town Reports.**

- A. All officers, boards, agencies, committees, 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 1<sup>st</sup>. This report shall include the total number of the board, agency, committee or commission meetings and a record of attendance of each board's, agency's, committee's and commission'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 708. 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 Connecticut Office of Policy and Management (OPM). 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 (3) years.

## CHAPTER VIII. ADMINISTRATIVE DEPARTMENTS AND EMPLOYEES

### Section 801. General.

- A. The Board of Selectmen may create or eliminate such administrative offices and departments as it from time-to-time may deem appropriate and necessary for the best interests of the Town, except as provided by law.

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/her by law, and such other powers and duties as may be established by the Ordinances or by order or instruction of the Board of Selectmen or the First Selectman not inconsistent with law. Unless identified in an applicable Collective Bargaining Agreement, all administrative employees shall have the duties and responsibilities identified in the applicable job description, which such job description shall be on file in the Office of the Town Clerk.

There shall be the following Administrative Employees:

1. *Assessor.* An Assessor who shall be certified in accordance with Section 12-40a of the General Statutes 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 shall 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 Connecticut State Building Code.
4. *Town Treasurer/Chief Fiscal Officer.* An individual having training and experience in public or private finance shall be appointed to serve as the Town Treasurer/Chief Fiscal Officer and shall have all the powers and duties as are provided in Section 7-79 et seq. of the General Statutes. The Town Treasurer/Chief Fiscal Officer has a dual reporting relationship to the Board of Selectmen for day-to-day operations and to the Board of Finance for fiscal operations, budget performance, and financial policies. The Town Treasurer/Chief Fiscal Officer shall supervise the Accounting Department and

provide staff support to the Retirement and Pension Board and the Trustees of Town Funds. The Board of Finance shall interview and make recommendations to the Board of Selectmen for appointment to the position of the Town Treasurer/Chief Fiscal Officer.

5. *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 (DPS) 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.
- 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 Selectman or his/her designee.

6. *Director of Emergency Management.* A Director of Emergency Management shall be appointed by the First Selectman in compliance with the General Statutes and the Ordinances.

7. *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 of Public Works.

8. *Animal Control Officer.* An Animal Control Officer and Assistant Animal Control Officer(s) shall be appointed to perform such duties and functions as identified in Chapter 435 of the General Statutes.

9. *Fire Marshal.* A local Fire Marshal, who is certified as being qualified and eligible for such appointment by the Connecticut 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 Connecticut State Fire Marshal and the Connecticut 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 through 29-300 of the General Statutes.

10. *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 Zoning 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 Planning 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 Watercourses Agency or by order or instruction of the Agency not inconsistent with applicable law.
- d. A 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 Historic District Commission not inconsistent with applicable law.
- e. The same person may be appointed to one (1) or more, or all of the enforcement positions described in subsections (a) through (d) above.

11. *Library Director.* The Board of Selectmen, giving consideration to the candidates recommended by the Library Board of Trustees 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.

12. *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, agencies, committees, 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, departments, boards, agencies, committees, and commissions in all matters affecting the Town.
  - (iv) To furnish the Town Meeting or any Town officer, board, department, agency, committee, 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, department, agency, committee, 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, department, board, agency, committee, 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 officer, department, board, agency, committee, or commission of the Town may apply to, and the Board of Selectmen may appoint, special counsel to represent such officer, department, board, agency, committee, or commission.

13. *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, agencies, and commissions concerning planning, land use, and the Town's POCD. The Town Planner also shall advise any office, board, department, commission, committee, or agency concerning the effect on the plan of any action the department, office, board, agency, committee, or commission may take. In addition to the powers and duties described in Section 80l(A) of this Charter, the Town Planner shall have such other

powers and duties as provided by the regulations of the Planning, Zoning, Historic District Commissions, and Inland Wetlands Watercourses 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 Watercourses Agency not inconsistent with law.

14. *Tree Warden.* A Tree Warden shall be appointed to perform such duties and functions as are provided in Chapter 451 of the General Statutes.
15. *Director of Park and Recreation.* The Board of Selectmen, giving consideration to the candidates recommended by the Park and Recreation Commission pursuant to Section 602(H) of this Charter, shall appoint a Director of Park 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 as well as associated programs.
16. *Director of Senior Services.* The Board of Selectmen, giving consideration to the candidates recommended by the Commission for Seniors pursuant to Section 602(I) of this Charter, shall appoint a Director of Senior Services who is professionally qualified by education and experience as specified in the job description on file with the Town Clerk, to oversee the management and use of the Senior Community Center and programs for the senior population of the Town.
17. *Director of Social Services and Municipal Agent.* The Board of Selectmen shall appoint a Director of Social Services and Municipal Agent who is professionally qualified by education and experience as specified in the job description on file with the Town Clerk. The Director of Social Services and Municipal Agent assists Town residents in utilizing social services and other government assistance programs and is an advocate for the residents of the Town.
18. *Personnel Administrator.* A Personnel Administrator who is professionally qualified by education and experience, as specified in the job description on file in the Town Clerk's office, shall be appointed.
19. *Building Maintainer.* A Building Maintainer who is professionally qualified by education and experience as specified in the job description on file in the Town Clerk's office, shall be appointed.

## CHAPTER IX. STANDARDS OF CONDUCT

### Section 901. Conflict of Interest.

#### A. *Declaration of Policy.*

1. The proper operation of the government of the Town requires that public officers, employees, and members of boards, agencies, committees, 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, agencies, committees, 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 conflicts 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, injunctive relief, or other remedy against the Town, any Town board, agency, committee, commission, or employee, or any member of any Town board, agency, committee, or commission, or for challenging a decision, license, permit, or other action of a Town employee, board, agency, committee, or commission, or member of the 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, agency, committee, or commission has a financial or personal interest, direct or indirect, in any purchase, contract, transaction, or decision involving his/her office, board, agency, committee, 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/her office, board, agency, committee, 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 purchase, contract, transaction, license, permit, or decision by reason of:
  - a. Relationship within the fourth (4<sup>th</sup>) degree by blood or marriage;
  - 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 the 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, agency, committee, 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, agency, committee, 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, agency, committee, or commission, and such disclosure shall be recorded in the board's, agency's, committee's, or commission's minutes.

D. *Claim of Conflict.* If a taxpayer or Elector claims, in writing, to the Board of Selectmen that any Town officer, employee, or member of any Town board, agency, committee, 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 in writing to a board, agency, committee or commission against a member of such board, agency, committee, or commission, that board, agency, committee, 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/herself 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 or not it is material.

2. In the event that a disclosure of a claim or a conflict of interest with respect to any member of a Town board, agency, committee, or commission has been made to such board, agency, committee or commission, and the member does not disqualify himself/herself from matters with respect to which the conflict of interest allegedly exists, the board, agency, committee or commission shall forthwith determine by a majority of those members present and voting, excluding the member whose interest is in question, whether or not a conflict exists and, if so, whether or not 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, agency, committee, 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, agency, committee, or commission may disqualify himself /herself 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, agency, committee, 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 Watercourses Agency shall appear on behalf of or represent in any manner any person or entity other than himself/herself before the Planning Commission, Zoning Commission, Zoning Board of Appeals, Historic District Commission, or Inland-Wetlands Watercourses Agency, whether or not he/she is a member of the board or commission hearing the matter.
- I. *Independent Contractors.* Before hiring any consultant, independent contractor, or other advisor (collectively, an “Independent Contractor”), the officer, employee, board, agency, committee, 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, agency, committee, or commission). Prior to hiring any Independent Contractor with a conflict, the officer, employee, board, agency, committee, 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 allegedly breached. The Board of Selectmen shall select one (1) of its members and two (2) persons who shall be Town Electors, not of the same political party and who shall not be a Town officer, employee, or member of any Town board, agency, committee, or commission. Such body shall, after a hearing, adjudicate the matter, and issue a written decision which shall include written findings of fact, conclusions of law, the body's decision, and penalties, 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, agency, committee, or commission.
  3. Any violation of this Section 901 shall render any purchase, contract, or transaction affected thereby voidable by the Board of Selectmen.
  4. Any violation of this Section 901 with respect to any decision of a board, agency, committee, 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.
- L. *Severability.* In the event that the Town establishes an Ethics Commission or adopts a Code of Ethics ordinance pursuant to Section 7-148(c)(10)(B) of the General Statutes which said Ordinance provides, in part, standards of conduct relating to conflicts of interest, then this Section 901 shall be superseded by such Ordinance.

### **Section 902. Concurrent Offices.**

- A. No official or employee of the Town, full or part-time, shall serve on any board, agency, committee, 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, boards, agencies, committees, or commissions 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 (1) office, provided the offices are not incompatible, provided the duties of the offices to which he/she is appointed may, in the opinion of the Board of Selectmen, be satisfactorily fulfilled by one (1) person, and provided further that inability to fulfill satisfactorily the duties of all offices to which he/she is appointed shall be cause for removal from any one (1) or more of said offices.

### **Section 903. Meetings.**

- A. *Members' Attendance.* Members of all boards, agencies, committees, and commissions are expected to attend all meetings of such boards, agencies, committees, and commissions.
- B. *Alternates' Attendance.* Alternate members of all boards, agencies, committees, and commissions are expected to attend all meetings of such boards, agencies, committees, and commissions. Alternate Members are allowed to participate in all business to come before such board, agency, committee or commission except, unless formally seated as a Member, making/seconding motions, discussing or voting on a motion or question, and holding an office on such board, agency, committee, or commission.
- C. Any board, agency, committee, or commission may permit Members and Alternate Members to participate in a meeting by any means of communication by which all Members, Alternate Members, and the public in attendance participating at said meeting, may simultaneously hear each other during said meeting. Participation at meetings, by such other means of communication, should be limited to unusual circumstances making participating in person impossible, difficult, or impractical.
- D. In order for a board, agency, committee, or commission to have a meeting, it is required that a quorum of its Members be present at said meeting. A quorum shall consist of a bare majority of the Members of said board, agency, committee, or commission. For the purpose of attaining a quorum as well as for the purpose of having the entire membership of a board, agency, committee, or commission present at its meeting, Alternate Members shall be seated in place of absent Members.
- E. *Seating of Alternate Members.* The Chairperson of each board, agency, and commission shall appoint an Alternate Member(s) whenever a Member(s) is absent or temporarily unable to fulfill his/her responsibilities as such Member, whether or not quorum is satisfied without the seating of an Alternate Member. Such appointment of Alternate Member(s) shall be done in rotating order (with a record maintained in the minutes of said board, agency, or commission) regardless of political affiliation. If Member(s) arrive late to a meeting, the Alternate Member shall remain seated until the conclusion of the immediate item of business under consideration, at which time the Member(s) may be seated.

- F. *Voting.* All Members and seated Alternate Members of all boards, agencies, committees and commissions, who have not been disqualified, shall vote on all matters upon which a vote is held by such board, agency, committee or commission unless there shall be reasonable cause for abstention and said reasonable cause shall be stated and recorded in the minutes of the meeting.
  
- G. If a vote, on any matter which comes before a board, agency, or commission, is postponed until a future meeting of said board, agency, or commission ("Postponed Matter"), and if an Alternate Member was seated at the meeting where a vote was postponed on any matter ("Prior Meeting Seated Alternate Member"), then for purposes of voting on the Postponed Matter, the Prior Meeting Seated Alternate Member shall be seated at such future meeting for purposes of voting on the Postponed Matter.
  
- H. *Statement of Reasons.* In every case where the action of any board, agency, committee, or commission is subject to a right of appeal to another administrative body or to any court of the State of Connecticut, a statement of the reasons for the action of such board and commission shall be included in the minutes of the meeting.
  
- I. *Roberts Rules of Order.* The meetings of any Town board, agency, committee or commission shall be held in accordance with Robert's Rules of Order.

## **CHAPTER X. TRANSITION AND MISCELLANEOUS PROVISIONS**

### **Section 1001. Transfer of Powers.**

The functions provided for any office, board, agency, 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, agency, or commission upon which are imposed corresponding functions under the provisions of this Charter. Any office, board, agency, or commission existing on the effective date of this Charter and not provided for under this Charter shall be abolished. Any office, board, agency, 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, agency, or commission created under this Charter and until the First Selectman shall have notified the members of such abolished office, board, agency, 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 Board of 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/she 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, agency, or commission, or part thereof, and all the powers and duties of which are assigned to any other office, board, agency, or commission by this Charter, shall be transferred and delivered intact to the office, board, agency, or commission to which such powers and duties are so assigned. If part of the powers and duties of any office, board, agency, or commission are by this Charter assigned to another office, board, agency, or commission, all records, property, and equipment relating exclusively thereto shall be transferred and delivered intact to the office, board, agency, 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, agency, committee, 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, agency, committee, 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, agency, committee, or commission, the action or proceeding may be prosecuted or defended by the head of the office, board, agency, committee, 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, agency, 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, agency, 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 and agency members, and commissioners, whether appointed or elected, and whether the office, board, agency, 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, agency, or commission shall be filled in accordance with the provisions of this Charter.

**Section 1009. Public's Right to Know.**

All Town officers, boards, agencies, committees, 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 (FOIA).

**Section 1010. Effective Date.**

Except where specifically stated herein, these Charter amendments shall take effect thirty (30) days after the date of approval, as provided by Section 7-191(f) of the General Statutes.

**Appendix A**

**Number of Persons to be Elected in November of Listed Years**

<b>Office</b>	<b>A Years</b>	<b>B Years</b>
First Selectman	1*	0*
Selectmen	2*	2*
Town Clerk	1	0
Town Moderator	1	0
Tax Collector	1	0
Board of Assessment Appeals	2	1
Board of Assessment Appeals Alternates	2	1
Board of Finance	3	3
Inland Wetlands Watercourses Agency	2	3
Inland Wetlands Watercourses 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

\*beginning in 2027 election.

**Election Year**

<b>A</b>	<b>B</b>
2025	2027
2027	2029
2031	2033
2035	2037
2039	2041
**	**

\*\* and every four years thereafter

**Appendix B**

**Appointments to be made in given years**

	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	Total Members	Terms (Years)
<b>Board of Fire Commissioners</b>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	5
<b>Building Code Board of Appeals</b>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	5
<b>Historic District Commission</b>																	
regular members	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	5
alternates		1	1	1			1	1	1			1	1	1		3	5
<b>Conservation Commission</b>	2	2	3	2	2	3	2	2	3	2	2	3	2	2	3	7	3
<b>Park &amp; Recreation Commission</b>																	
regular members	1	1	1	2	1	1	1	2	1	1	1	2	1	1	1	5	4
alternates	1		1		1		1		1		1		1		1	2	4
<b>Commission for Seniors</b>																	
regular members	2	3		2	3		2	3		2	3		2	3		5	3
alternates	1	1		1	1		1	1		1	1		1	1		2	3
<b>Library Board of Trustees</b>																	
regular members	3	2	2	3	2	2	3	2	2	3	2	2	3	2	2	7	3
alternates	1	1		1	1		1	1		1	1		1	1		2	3
<b>Town Retirement and Pension Board</b>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	5
<b>Public Building Commission</b>																	
regular members	3		2	3		2	3		2	3		2	3		2	5	3

alternates			2			1	1		1	1		1	1		1	2	3
<b>Technology Commission</b>																	
regular members			5	0		2	3		2	3		2	3		2	5	3
alternates			2	0		1	1		1	1		1	1		1	2	3
<b>Shade Tree and Sidewalk Commission</b>																	
regular members			5	0		2	3		2	3		2	3		2	5	3
alternates			2	0		1	1		1	1		1	1		1	2	3
<b>Arts &amp; Culture Commission</b>																	
regular members			7	0		3	4		3	4		3	4		3	7	3
alternates			2	0		1	1		1	1		1	1		1	2	3
<b>Business &amp; Economic Development Commission</b>																	
regular members			5	0		2	3		2	3		2	3		2	5	3
alternates			2	0		1	1		1	1		1	1		1	2	3

### Appendix C

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.

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.