



# Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Board of Selectmen Minutes  
Regular Meeting Minutes  
Thursday, June 15, 2017  
Colchester Town Hall @ 7pm

**MEMBERS PRESENT:** First Selectman Art Shilosky, Selectman Stan Soby, Selectman Rosemary Coyle, Selectman Denise Mizla,

**MEMBERS ABSENT:** Selectman John Jones

**OTHERS PRESENT:** Town Clerk G. Furman, PW Director J. Paggioli, Registrar D. Mrowka, Chairman of Board of Finance R. Tarlov, Chairman of the Economic Development Commission J. Walsh and Clerk Gail Therian

**1. Call to Order**

A Shilosky called the meeting to order at 7:00

**2. Additions to the Agenda – None**

**3. Citizen's Comments – None**

**4. Consent Agenda**

1. Approve Minutes of the June 1, 2017 Regular Board of Selectmen Meeting

2. Tax Refunds and Rebates

\$100 to Robert Gagnon, \$221.84 to Nissan Infinity LT, and \$101.40 to Rossi Law Offices LTD

R. Coyle moved to approve the consent agenda, seconded by D. Mizla. Unanimously approved. MOTION CARRIED

**5. Budget Transfer**

D. Mizla moved to approve the transfer of \$23,525. from 11411-40101 Planning & Code Administration – Regular Salary to 12202-40101 Fire – Regular Salary; \$1,800 from 11411-41230 Planning & Code Administration – FICA/Retirement to 12202-41230 Fire – FICA/Retirement; \$198 from 11411-41210 Planning & Code Administration – Employee Related Insurance to 12202-41210 – Employee Related Insurance; \$8,182 from 11110-50900 Contingency to 12101-44200 – Police – Resident Trooper, seconded by S. Soby. Unanimously approved. MOTION CARRIED

**6. Boards and Commissions – Interviews and/or Possible Appointments and Resignations**

a. Blight Ordinance Citation Hearing Officer – Donald Philips possible appointment for a three year term to expire 6/15/2020

R. Coyle moved to appoint Donald Philips as Blight Ordinance Citation Hearing Officer for a three year term to expire 6/15/2020, seconded by S. Soby. Unanimously approved. MOTION CARRIED

b. Youth Services Advisory Board – Pamela Scheibelein possible appointment for a three year term to expire on 12/1/2019

S. Soby moved to appoint Pamela Scheibelein as a member to the Youth Services Advisory Board for a three year term to expire on 12/1/2019, seconded by R. Coyle. Unanimously approved. MOTION CARRIED

c. Police Commission

1. John Carroll to be interviewed – not present

2. Christopher Cameron possible appointment for a three year term to expire 11/1/2019

No action taken.

d. Parks and Recreation Commission – Matt Pulse to be interviewed – was interviewed

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**7. Discussion and Possible Action on EDC Map at the Airline Trails**

Jean Walsh, Chairman of the Economic Development Commission, presented the idea of posting a "Map of Places to Eat" on the informational boards located at the entrances at each spur of the Airline Trail. It would be used to promote local eateries in Town and would be at no cost to the Town. The map would consist of "you are here", a map of the Town and the eateries in Town. She said that the first one would be placed at the entrance of the spur of the Trail at Lebanon Avenue. She will need to obtain permission from the State to at the other locations as these are on State owned land. Discussion followed.

D. Mizla moved to approve the posting of an Informational Map at the Airline Trails and permission to go to the State for their final decision, seconded by R. Coyle. Unanimously approved. MOTION CARRIED

**8. Presentation and Discussion on Charter Revision Final Draft Document**

(attachments-2) A. Shilosky said that the final draft document had been received that day. He said that this will be on the July 6, 2017 agenda for discussion. Chairman Gregg LePage explained the timeline in order for these revisions to be on the November 2017 ballot. A public hearing must be held no later than 45 days after the final draft has been submitted to the Town Clerk. He reviewed the six points that will be the questions on the ballot. The Board agreed that the Charter Revision Final Draft Document will be discussed at the next meeting to be held on July 6, 2017.

**9. Discussion and Possible Action on 12 Balaban Road WPCA Customer**

J. Paggioli reviewed the Sewer and Water Commission's recommendation to the Board of Selectmen regarding the possible connection to the Town's Sanitary Sewer System, in accordance with the Connection Policy of the Town for the property at 12 Balaban Road. He said the Connection Policy of the Town requires the developer to be responsible for all costs. Discussion followed.

D. Mizla moved that the Board of Selectman acting as the W.P.C.A. of the Town of Colchester, accept the property at 12 Balaban Road as a customer and connection to the Town of Colchester Sanitary Sewer Collection System subject to the existing Connection and Fee Policy or other mutually agreed to consideration, seconded by S Soby. Unanimously approved. MOTION CARRIED

**10. Discussion and Possible Action on Bacon Academy Board of Trustees Lease Agreement**

A. Shilosky said that this is the lease for Bacon Academy building located at 84 Main Street. He said that the taxes for this building are covered in the Town's budget. This is a three year lease with the option to extend it for an additional ten years. Discussion followed.

S. Soby moved to approve the lease with the Bacon Academy Board of Trustees and to authorize the First Selectman to sign any necessary documents and lease agreement, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

**11. Citizen's Comments – None**

**12. First Selectman's Report –**

A. Shilosky reported that the Town Budget and the Board of Education Budget were passed on Tuesday, June 13, 2017.

**13. Liaison Reports**

R. Coyle reported on Chatham Health District – Director of Health's contract extended two (2) months to allow the complete evaluation process, current contract expires July 1, 2017. A discussion of evaluation tool for Director was discussed. Several issues relating to vacations as they relate to new hires, carryover and creation of vacation policy was discussed and the Director will formulate a draft policy.

W.J.J.M.S. Building Committee – approved \$2,386,840.61 in invoices, the largest portion \$2,362,409.78 to O & G Industries. Another company provided a presentation regarding providing pictorial as built. In addition this company provides live video, total documentation system stored in the cloud. Project Manager – June Activities – erection of structural steel, underground utilities and building services begin, structural work in areas A & B, summer site work with close of school demo/abatement for new boiler room (found some asbestos) and had a meeting with State on space waiver issue and is awaiting final decision.

Fire Department - \$8,300 capital repair to the oil fired hot water heater and piping for leaks, which flooded boiler room and caused mold. State of CT boiler inspector assessed the issue. Part of mold remediation had to be done by contractor at no cost to the Town. An ambulance crew member was assaulted. This led to discussion on

proper protective equipment and self-defense training. There is an issue of training new fire fighters because of the Governor's budget which eliminated all funding for fire schools. This means no training to certify fire fighters, which takes 360 hours. The Hartford Fire School may be kept open. The estimated cost for training is \$2,000 for FF1 and \$1,000 for FF2.

S. Soby reported that he attended the Sewer and Water Commission meeting which was held at the Water Treatment facility. It was very informative and complimented the staff on their work.

D. Mizla – Park and Recreation – Ordinance has been approved and will effective on July 10, 2017. A copy of the Ordinance will be sent to all league presidents. Donations are needed in order for the 57 Fest to be held this year. Youth Services Advisory Board – there is a tie dyed t-shirts fundraiser being held. The Youth Leadership Award was awarded to Brianna Stonick. In addition to the cash award a going to college basket was awarded to her. A "Junk in the Trunk" event will be held. A \$10 registration fee will be charged and participants will hold a tag sale out of the trunk of the car.  
Board of Education - Don Levine, PE/Health teacher at C.E.S, raised \$25,000 for the American Heart Association. He has raised \$150,000 over the years. The Colchester Learning Foundation awarded \$1,000 for each Colchester school for innovation nation. J. Mathieu, retiring Superintendent of Schools, was awarded a plaque for his service.

**14. Adjourn**

S. Soby moved to adjourn at 7:51 p.m., seconded by Rosemary Coyle. Unanimously approved. MOTION CARRIED.

**Attachments:**

Charter Revision Timelines Memorandum  
Draft of Revised Charter

Respectfully submitted,

Gail Therian, Clerk

MEMORANDUM

TO: Gregg LePage, Colchester Charter Revision Commission  
FROM: Lisa Denise Gladke, Shipman & Goodwin LLP  
DATE: February 7, 2017  
RE: Charter Revision Timelines

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COLCHESTER, CT  
2017 JUN 15 AM 9:39  
*Gayle Furman*  
GAYLE FURMAN  
TOWN CLERK

You have asked me to prepare a timeline related to the Charter revision process. These timelines are found in Section 7-191 of the Connecticut General Statutes.

Statutory Provisions in Section 7-191 of the Connecticut General Statutes

The Charter Revision Commission (the “Commission”) shall hold a public hearing on the proposed charter amendments, after the draft report to the Board of Selectmen has been completed, but not submitted, after which hearings the Commission may amend such report. The Commission may hold such other public hearings as it deems necessary.

The Commission submits its draft report, including the proposed charter amendments, to the Town Clerk, who transmits such report to the Board of Selectmen. The Board of Selectmen shall hold at least one public hearing on the draft report and shall hold its last hearing not later than **forty-five (45)** days after the submission of the draft report to the Town Clerk.

The Board of Selectmen must make any recommendations to the Commission for such changes in the draft report as the Board of Selectmen deems desirable not later than **fifteen (15)** days after the Board of Selectmen’s last hearing.

If the Board of Selectmen makes no recommendations for changes in the draft report to the Commission within such fifteen (15) days, the report of the Commission shall be final and the Board of Selectmen shall act on such report.

If the Board of Selectmen makes recommendations for changes in the draft report to the Commission, the Commission shall confer with the Board of Selectmen concerning any such recommendations and may amend any provisions of the proposed charter amendments, in accordance with such recommendations, or the Commission may reject such recommendations. In either case the Commission shall make its final report to the Board of Selectmen not later than **thirty (30)** days after receiving such recommendations.

The Board of Selectmen must act, by a majority vote of its entire membership, to approve the

proposed charter amendments or reject the same or separate provisions thereof not later than **fifteen (15)** days after receiving the final report.

Not later than **forty-five (45)** days after a vote of the Board of Selectmen to reject the Charter amendments or separate provisions thereof, a petition for a referendum thereon, signed by not less than ten per cent of the electors of the Town, as determined by the last-completed registry list thereof, and filed and certified in accordance with the provisions of Section 7-188 of the Connecticut General Statutes, may be presented to the Board of Selectmen.

Not later than **thirty (30)** days after approval by the Board of Selectmen or the certification of such a petition (1) the proposed charter shall be published in full at least once in a newspaper having a general circulation in the Town, or (2) the portion of the charter being amended shall be published at least once in a newspaper having a general circulation in the Town with a notice that a complete copy of the charter and amendment is available in the Town Clerk's office and that a copy shall be mailed to any person who requests a copy. The Town Clerk shall mail or otherwise provide such copy to any person who requests a copy.

(Note that since the 45-day petition period and 30-day publication period run concurrently, there may be a situation when, after the Town has published the proposed Charter, a petition may be filed.)

The Board of Selectmen shall, by a majority vote of its entire membership, determine whether the proposed charter amendments shall be submitted to the electors for approval or rejection at a regular election or at a special election warned and held for that purpose, which shall be held not later than fifteen (15) months after either the approval by the Board of Selectmen or the certification of a petition for a referendum.

The proposed charter amendments shall be prepared for the ballot by the Board of Selectmen and may be submitted in the form of one or several questions; and, if approved by a majority of the electors of the Town voting thereon at a regular election or if approved by a majority which number equals at least fifteen per cent of the electors of the Town as determined by the last-completed active registry list of the Town at a special election, such proposed charter or charter amendments shall become effective thirty days after such approval unless an effective date or dates are specified therein, in which event the date or dates specified shall prevail.

### Ballot Questions

If the Town would like to have the Charter amendments voted on at the next regular election, November 7, 2017, pursuant to Section 9-370 of the Connecticut General Statutes, the last day for the Board of Selectmen The Charter Revision Commission (the "Commission") to approve a question to appear on the ballot is September 7, 2017.

## THE CHARTER

[HISTORY: Adopted by the Town of Colchester 11-8-1994; amended in its entirety 11-7-2006 and 11-7-2017. Subsequent amendments noted where applicable.]

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*Gayle Furman*  
GAYLE FURMAN  
TOWN CLERK

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## **ARTICLE I, General Provisions**

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### **§ C-101. Definitions.**

In the interpretation of the Charter, the words and phrases set forth below shall be construed and defined as follows:

**APPOINTED OFFICIAL** – An official of the Town appointed by the Board of Selectmen and serving at the pleasure of the Board of Selectmen, as permitted by the General Statutes or this Charter except as otherwise provided by law.

**APPOINTED BOARD** – A Town board, commission, committee, or study group composed of one or more Electors appointed by the Board of Selectmen.

**BOARD OF EDUCATION BUDGET** – The projected expenditures of the Board of Education.

**BOARD OF SELECTMEN BUDGET** – The projected expenditures of the Board of Selectmen, including capital and debt service.

**CERTIFIED PETITION** – A petition certified by the Town Clerk and conforming to the requirements of this Charter and the General Statutes. The Town Clerk must grant or deny this certification within 10 business days following receipt of the last page of said petition. Should the Town Clerk fail to make such determination within the time allotted, said petition shall automatically be deemed certified.

**COMBINED BUDGET** – The combined projected expenditures of the Town, including the Board of Selectmen Budget and Board of Education Budget.

**DEPARTMENT HEAD** – The person or persons responsible for the management of each Town Department as well as the supervision of all Town Employees or employed in such Town Department.

**ELECTED OFFICIAL** – An Elector of the Town chosen by secret ballot by a plurality of the Electors of the Town voting for an elected position.

**ELECTED BOARD** – A Town board, commission, committee or study group composed of one or more Electors elected by secret ballot by a plurality of the Electors of the Town voting for an elected position.

**ELECTION** – A regular election as defined in the General Statutes.

**ELECTOR** – As defined in the General Statutes, any person possessing the qualifications prescribed by the state constitution and duly admitted to, and entitled to exercise, the privileges of an Elector of the Town.

GENERAL STATUTES – The Connecticut General Statutes as now in effect or as they may from time to time be amended.

MEMBER OF AN APPOINTED BOARD – An Elector of the Town appointed by the Board of Selectmen to membership or as an alternate on an Appointed Board, who shall serve at the pleasure of the Board of Selectmen and without compensation of any kind.

MUNICIPAL ELECTION – An Election at which municipal Elected Officials of the Town are elected.

PUBLIC HEARING – Except as otherwise provided in the General Statutes, an open gathering in which members of the public are permitted to offer comments, but officials are not obligated to act on or respond to said comments.

TOWN – The Town of Colchester.

TOWN BOARD – A board of the Town, having either elected members, appointed members, or any combination thereof.

TOWN DEPARTMENT – All departments, agencies, and other subdivisions of the Town, except those under the Board of Education and its subsidiary departments, regardless of whether composed of Town Employees, Appointed Officials or Elected Officials and regardless of whether now or hereafter existing under the terms of this Charter, the General Statutes, or any other mandate to which the Town is subject.

TOWN EMPLOYEE – All individuals in all Town Departments who receive or are entitled to receive compensation from either the Town or any Town Department, but excluding Elected Officials and employees of the Board of Education.

TOWN MEETING – A special Town meeting, annual budget meeting or annual Town meeting as described in the General Statutes.

TOWN ORDINANCE – A law passed by the Town of Colchester that regulates actions within the Town.

TOWN VOTERS – Electors and other persons eligible to vote at any Town Meeting other than a regular or special Town Election, in accordance with the provisions of Section 7-6 of the General Statutes.

**§ C-102. Rights and obligations.**

Upon adoption of this Charter, the Town shall continue to own and remain vested in all property, both real and personal, all rights of action and rights of every description and all securities and liens, whether inchoate or choate which the Town owned or had rights in prior to the adoption of this Charter. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. The Town shall remain liable for all debts and obligations of every kind for which the Town is liable on the date of adoption of this Charter, whether accrued or undetermined. If any contract has been entered



into by the Town prior to the adoption of this Charter, or any bond or undertaking has been given by or in favor of the Town, which contains provisions that the same may be enforced by any office or agency which is herein abolished or otherwise affected, such contracts, bonds or undertakings shall continue in full force and effect and, except as otherwise provided in this Charter, shall be exercised and discharged by the Board of Selectmen.

**§ C-103. General Powers of the Town.**

- A. All the inhabitants dwelling within the territorial limits of the Town, as previously constituted, shall continue to be a body politic and corporate under the name “Town of Colchester,” and as such shall have perpetual succession and may hold and exercise all powers and privileges that have been exercised by the Town and are not inconsistent with the provisions of this Charter. In addition, the Town shall have such additional powers and privileges as conferred by the General Statutes.
  
- B. Upon adoption of this Charter, the Town shall retain all powers and privileges that it possesses immediately prior to such adoption, and shall have such additional powers and privileges granted to the Town by the General Statutes not inconsistent with this Charter. The Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted. The Town shall also have the power to make and enforce all bylaws and Town Ordinances, not inconsistent with law or this Charter, which may be necessary or proper to carry into execution the foregoing powers. The enumeration of particular powers anywhere in this Charter shall not be construed as limiting this general grant of power to the Town but shall be considered as additional thereto. In the event of a total or partial conflict, whether apparent or actual, between this Charter and any Town Ordinance or bylaw, the provisions of this Charter shall govern and shall be enforced, regardless of said Town Ordinance or bylaw.

**§ C-104. Construction.**

The powers and privileges of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power herein granted.

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**ARTICLE II, Elected Officials and Elected Boards**

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**§ C-201. Elected Officials.**

The Town shall have the following elected officials:

- A. First Selectman.

- B. {Reserved}
- C. {Reserved}
- D. {Reserved}
- E. Registrars of Voters

**§ C-202. Elected Boards.**

The Town shall have the following Elected Boards, whose members shall be elected as provided in the General Statutes and this Charter:

- A. A five-member Board of Selectmen, one member of which shall be the First Selectman;
- B. A six-member Board of Finance;
- C. A seven-member Board of Education; and
- D. A three-member Board of Assessment Appeals.

**§ C-203. Eligibility for election of Elected Officials and members of Elected Boards.**

- A. Any Elector of the Town is eligible for election as an Elected Official or member of an Elected Board, provided:
  - (1) No Elector shall simultaneously hold more than one elected position; and
  - (2) No Elector shall simultaneously hold an elected position and an appointed position, whether as a member of an Appointed Board or as an Appointed Official.
- B. If any Elected Official or member of an elected board shall cease to be an Elector of the Town or otherwise become ineligible to hold such position, then such official or member shall immediately cease to hold such office or to be such a member and such office or membership shall immediately be deemed vacant.
- C. Notwithstanding any provision of this Charter to the contrary, holding the position of Justice of the Peace shall not make a person ineligible for election as an Elected Official or a member of an Elected Board.
- D. This Section C-203 does not, and shall not be construed to, prohibit political activity of classified municipal employees that is permitted pursuant to Section 7-421 of the General Statutes.

**§ C-204. Succession Provisions in the event of an opening on an Elected Board (Except as provided in Section 303).**

In the event of a vacancy on an Elected Board, the remaining members of the Elected Board within 60 days of the start of such vacancy, shall appoint by majority vote a Successor Member (the "Successor Member") to membership on that board. The Successor Member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such Successor Member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Member shall be a member of the prior member's political party (or unaffiliated, if applicable) at the time such prior member was elected. The Successor Member shall hold such membership until the next Municipal Election at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member if applicable.

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**ARTICLE III, The First Selectman**

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**§ C-301. Manner of election and term of office.**

The First Selectman shall be elected by a plurality of the votes cast by the Electors of the Town for this office at a Municipal Election. Beginning with the Municipal Election on November 5, 2019, held on the first Tuesday after the first Monday in November, The First Selectman shall serve a four-year term of office.

**§ C-302. Powers and duties of the First Selectman.**

- A. The First Selectman shall be the Chief Executive Officer of the Town and shall be a full voting and participating member of the Board of Selectmen. The First Selectman shall also be a nonvoting ex-officio member of all Town departments and Town boards, except the Board of Education. The First Selectman shall exercise such additional powers and have such additional duties as are set forth in the General Statutes and in this Charter.
- B. The First Selectmen shall be responsible to the townspeople and the Board of Selectman for the administration of Town government. The First Selectman shall be responsible for the direction and supervision of activities of all Town Departments, except the Board of Education, and all Appointed Boards, except as otherwise provided in the General Statutes. Except as otherwise provided in the General Statutes, All Appointed Officials, Appointed Boards and Town Employees shall report to the First Selectman, but the First Selectman may delegate such oversight authority to any Appointed Official or Town Employee as is deemed necessary for the sound administration of Town government.
- C. The First Selectman may, with the approval of the Board of Selectmen and subject to such other limitations contained in the General Statutes and this Charter, enter into contracts or agreements on behalf of the Town with the exception of Board of Education contracts executed by the Town as owner of real property used for school purposes.

- D. The First Selectman shall ensure that all laws and ordinances governing the Town are faithfully executed and shall make periodic reports to the Board of Selectmen on the conditions and affairs of the Town. The First Selectmen, with the assistance of all Town Department Heads, shall keep the Board of Selectmen fully apprised of the financial condition and administrative soundness of the Town and Town Departments.
- E. The First Selectman may appoint and remove members of regional and inter-local agencies and programs as authorized by Town Ordinances adopted pursuant to the applicable provisions of the General Statutes or this Charter. Nothing in this Charter shall be construed as limiting the authority of the Town, by action of the Board of Selectmen, to continue such participation or join new regional and inter-local agencies and programs, as authorized by the General Statutes.
- F. During the temporary absence of any Appointed Official or Department Head, the First Selectman either may perform or may appoint a designee to perform temporarily the duties of such Appointed Official or Department Head.

**§ C-303. Succession provisions.**

- A. Prior to any planned temporary absence or planned temporary period of incapacity of the First Selectman, such that the First Selectman shall be unable to perform his or her duties as required, the First Selectman shall designate one of the other members of the Board of Selectmen to assume the duties of the First Selectman for the duration of such period.
- B. In the event of an unplanned temporary absence or unplanned temporary period of incapacity of the First Selectman, such that the First Selectman shall be unable to perform his or her duties as required, the remaining members of the Board of Selectmen shall, with all deliberate speed, designate one of its members to assume the duties of the First Selectman for the duration of such period.
- C. In the event of a vacancy in the office of First Selectman, the remaining members of the Board of Selectmen shall, with all deliberate speed, select one of its members to assume the position of First Selectman for the unexpired term (the "Successor First Selectman"), which Successor First Selectman shall be a member of the same political party as the prior First Selectman or, if the prior First Selectman was not affiliated with any political party, then such Successor First Selectman shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior First Selectman has changed political parties or has become unaffiliated subsequent to being elected, then the Successor First Selectman shall be a member of the prior First Selectman's political party (or unaffiliated, if applicable) at the time such prior First Selectman was elected. If none of the members of the Board of Selectmen is able to assume the role of the Successor First Selectman in accordance with the provisions of this Section C-303(C), then the Board of Selectmen shall select an Elector that is a member of the same political party (or unaffiliated if applicable) as the prior First Selectman at the time such First Selectman was elected to assume the role of the Successor First Selectman to serve until the next Municipal Election.

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## **ARTICLE IV, The Board of Selectmen**

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### **§ C-401. Manner of election and term of office.**

The four other members of the Board of Selectmen shall be elected at a Municipal Election held on the first Tuesday after the first Monday in November. These four members shall be the four highest vote getters from among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes. No member of the Board of Selectmen, other than the First Selectman, shall receive a salary. Beginning with the November 5, 2019 Municipal Election, the members of the Board of Selectmen shall serve four-year terms of office.

### **§ C-402. Powers and duties of the Board of Selectmen.**

- A. The Board of Selectmen shall exercise such powers and have such duties as are set forth in the General Statutes and in this Charter. Except where otherwise specified herein, the members of the Board of Selectmen shall act only in the presence of a quorum; and any action of the Board of Selectmen shall require a majority vote by such quorum.
- B. The Board of Selectmen shall approve all contracts to which the Town or any subdivision thereof is a party and all other agreements which bind the Town or any subdivision thereof in any way. The Board of Selectmen may not delegate this contractual authority.
- C. The Board of Selectmen shall administer all personnel policies concerning Town Employess and shall be responsible for the administration of all agreements, contracts and understandings regarding Town Employees, including labor contracts, benefit plans, and hiring policies. The appointment and dismissal of all Town Employees shall be administered by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government.
- D. The Board of Selectmen may recommend to the Town Meeting the creation or abolition by ordinance of boards, commissions, committees, agencies, departments and offices not specifically authorized in this Charter.
- E. The Board of Selectmen, acting in its sole discretion, may appoint such temporary boards, commissions, committees or study groups as it may from time to time determine are necessary. For purposes of this section, only boards, commissions, committees and study groups which are reasonably expected to remain active for one year or less shall be considered temporary.
- F. The Board of Selectmen may approve contracts for services and the use of facilities with the United States government or any agency or instrumentality thereof, the State of Connecticut or any political subdivision, agency or instrumentality thereof, or may, approve agreements to join with any political subdivisions to provide services and facilities in accordance with the applicable provisions of the General Statutes.
- G. The Board of Selectmen shall appoint all members of Town Appointed Boards and may remove any such member.

- H. Except as otherwise provided in the General Statutes, The Board of Selectmen shall oversee the internal operations of all Town Departments and Town Appointed Boards and any office which the Board of Selectmen fills by appointment. The Board of Selectmen may name one or more of its members to serve along with the First Selectman as a nonvoting ex-officio member of any Appointed Board.
- I. As required by Article XI<sup>f</sup> and XI<sup>g</sup>, the Board of Selectmen may recommend to the Board of Finance the approval of the following matters concerning the Board of Selectmen's Budget (subject to further approval by the Town Meeting, if so required):
  - (1) Any supplemental appropriation of funds (Article XI<sup>g</sup>); and
  - (2) Any transfer of funds between Town Departments (Article XI<sup>f</sup>).
- J. The Board of Selectmen may accept any road complying with planning and zoning regulations as a municipal road, provided that prior to such acceptance:
  - (1) The Town engineer has certified to the Board of Selectmen that such road meets all applicable specifications and requirements; and
  - (2) The Board of Selectmen shall hold a Public Hearing prior to such acceptance at which public comments are heard.
- K. In no event shall the Board of Selectmen delegate its policymaking authority.
- L. The Board of Selectmen shall be the Water Pollution Control Authority for the Town.

**§ C-403. Limited power to adopt Town Ordinances.**

- A. The Board of Selectmen shall have the power to enact, amend and repeal Town Ordinances only for the following purposes:
  - (1) To incorporate any nationally recognized code, rules or regulations, which have been published or any code officially adopted by any administrative agency of the State of Connecticut, or any portion thereof, provided upon adoption of any such code, rules or regulations, copies of such shall be maintained and made available to the public in the office of the Town Clerk or in the office of the Town Department directly responsible for enforcing such code, rules or regulations and in the public library; and
  - (2) To set and adjust the charges to be made for services rendered by the Town and to set and adjust the charges for any violation of an existing Town Ordinance for which a penalty is provided.
- B. No Town Ordinance shall be acted upon by the Board of Selectmen pursuant to this section until a Public Hearing concerning such ordinance shall have been held by the Board of Selectmen. Notice of such Public Hearing shall be given at least 10 days in advance by publication of a legal notice in a

newspaper having a general circulation in the Town and by posting a notice in the office of the Town Clerk. Copies of any such proposed ordinance shall be available to the public in the office of the Town Clerk at least 10 days prior to the date set for the Public Hearing. If substantive changes, as determined by Town counsel, are made to the proposed ordinance after the Public Hearing, a second Public Hearing shall be held prior to final action by the Board of Selectmen.

- C. Within one business day of its approval by the Board of Selectmen, every Town Ordinance adopted pursuant to the provisions of this section shall be filed with the Town Clerk, who shall record, compile, and publish the Town Ordinance as required by the General Statutes. Within 10 days of receipt of such adopted Town Ordinance, the Town Clerk shall also cause to be published a summary of the Town Ordinance in a newspaper having a general circulation in the Town and shall keep a copy of the full text of the Town Ordinance on file for public inspection.
- D. Every Town Ordinance adopted pursuant to the provisions of this section shall become effective no earlier than 31 days after publication of its approval unless the terms of a Town Ordinance provide a different effective date.
- E. Notwithstanding any other provision of this Charter, the Board of Selectmen shall have the power to enact emergency Town Ordinances during any period of a public emergency threatening the lives, health or property of persons in the Town. The Board of Selectmen shall use the best means available to inform the public of the emergency Town Ordinance and the facts concerning the public emergency to which it relates. Any emergency Town Ordinance, or amendment thereto, enacted pursuant to this subsection shall become effective immediately and shall be effective for a period of 31 days unless sooner repealed by the Board of Selectmen. If within the 31 days action has been initiated to convene either a Town Meeting or a Public Hearing to make such emergency Town Ordinance permanent or to otherwise extend its validity, then such emergency Town Ordinance shall remain in effect until such Town Meeting or Public Hearing is held.

**§ C-404. {Reserved}**

**§ C-405. Limited power of investigation.**

The Board of Selectmen shall, upon the affirmative vote of at least four of its members, have the power to investigate any and all Town Departments, Elected Officials, Appointed Officials, Elected Boards and Appointed Boards for such purposes as they shall deem necessary. The Board of Selectmen shall have the power to call and to subpoena witnesses to testify and to furnish documentation on any matter under investigation. Town counsel shall be present when any witness so called appears before the Board of Selectmen. Any witness so called shall have the right to be accompanied by counsel during such testimony.

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## ARTICLE V, Other Elected Officials

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§ C-501. {Reserved}

§ C-502. {Reserved}

§ C-503. {Reserved}

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## ARTICLE VI, Other Elected Boards

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§ C-601. **The Board of Finance.**

- A. The Town shall have a six-member Board of Finance as constituted at the time this Charter shall take effect.
- B. Beginning with the Municipal Election held on the first Tuesday after the first Monday of November 2019, Board of Finance members will be elected to a four year term that ends in 2023. On a Municipal Election held on the first Tuesday after the first Monday of November 2021, two Board of Finance members will be elected to a two year term that ends in 2023. Following the November 2023 election, all Board of Finance members will serve a four year term. At each municipal election, the new members shall be the highest vote getters from among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.
- C. The Board of Finance shall be responsible for presenting to the Town Voters the budgets for all Town Departments and the Combined Budget and shall have all of the powers and perform all of the duties conferred or imposed upon Boards of Finance by the General Statutes.
  - (1) The Board of Finance shall have the authority to approve supplemental appropriations from, and transfers within, the Board of Selectmen Budget as recommended by the Board of Selectmen, subject to the further approval of the Town Meeting, if so required.
  - (2) Prior to the Annual Budget Meeting, the Board of Finance shall hold at least two Public Hearings for the purpose of presenting the Combined Budget to interested Town Voters for their comments and suggestions.
  - (3) The Board of Finance shall establish the mill rate, as set forth in the General Statutes.
- D. {Reserved}



**§ C-602. The Board of Education.**

- A. The Town shall have a seven-member Board of Education, as constituted at the time this Charter shall take effect.
- B. Beginning with the Municipal Election held on the first Tuesday after the first Monday of November 2019, Board of Education members will be elected to a four year term that ends in 2023. On a Municipal Election held on the first Tuesday after the first Monday of November 2021, four Board of Education members will be elected to a two year term that ends in 2023. Following the November 2023 election, all Board of Education members will serve a four year term. At each municipal election, the new members shall be the highest vote getters from among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.
- C. (1) The Board of Education shall be responsible for maintaining all public elementary and secondary schools in the Town, shall implement the educational interests of the State, as defined in the General Statutes, and shall continue to have all of the powers and perform all of the duties conferred or imposed upon boards of education by the General Statutes.  
  
(2) Prior to the Annual Budget Meeting, the Board of Education shall participate in at least two Public Hearings held by the Board of Finance for the purpose of presenting the Board of Education Budget to the Town Voters.
- D. {Reserved}

**§ C-603. The Board of Assessment Appeals.**

- A. The Town shall have a three-member Board of Assessment Appeals as constituted at the time this Charter shall take effect.
- B. Beginning with the Municipal Election held on the first Tuesday after the first Monday of November 2019, three members of the Board of Assessment Appeals shall be elected by a plurality of the votes cast for such office for a term of four years. The three members shall be the three highest vote getters from among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.
- C. The Board of Assessment Appeals shall be responsible for hearing all appeals of property assessments in the Town and have such other powers and duties as set forth in the General Statutes.
- D. {Reserved}

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## **ARTICLE VII, Appointed Officials and Appointed Boards**

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### **§ C-701. Appointed Officials.**

The Board of Selectmen shall appoint the following Appointed Officials and such other Appointed Officials as required by the General Statutes:

- A. Assessor
- B. Tax Collector
- C. Town Clerk, and
- D. Treasurer, provided that the statutory duties of a “town treasurer” may be incorporated into the duties of a Chief Financial Officer or other Appointed Official, Department Head or Town Employee.

The Board of Selectmen may appoint any other Appointed Officials as permitted by the General Statutes or this Charter.

### **§ C-702. Appointed Boards**

The Town shall have Appointed Boards as created pursuant to this Charter or required by the General Statutes; all of whose members shall be appointed as provided in this Charter.

### **§ C-703. Eligibility and appointment of Appointed Officials.**

Eligibility for appointment of Appointed Officials shall be governed, where applicable, by the General Statutes and/or the standards adopted by the Board of Selectmen. All Appointed Officials shall be appointed by the Board of Selectmen pursuant to procedures as adopted by the Board of Selectmen or permitted or required by the General Statutes.

### **§ C-704. Removal of Appointed Officials.**

Appointed Officials shall be removed by the Board of Selectmen. If a removal procedure for a particular Appointed Official is not provided for in the General Statutes, then the Board of Selectmen may remove for any reason any Appointed Official, provided that such Appointed Official be notified in writing of the grounds for removal and given an opportunity to appear before the Board of Selectmen to respond to the grounds identified. If such Appointed Official desires such a meeting, such Appointed Official shall so notify the Board of Selectmen in writing within seven days after notification of the grounds for removal. Such meeting shall be public only if such Appointed Official so requests. Such meeting shall be held no less than seven nor more than 30 days after notification of the grounds for removal. The decision of the Board of Selectmen shall be final. The date of notification of the grounds for removal shall be deemed to be the date of delivery if delivered by hand and two days after the postmark if delivered by mail.

**§ C-705. Eligibility and appointment of members of Appointed Boards.**

- A. All members of Appointed Boards shall be appointed by the Board of Selectmen pursuant to procedures adopted by the Board of Selectmen. Only Electors of the Town who do not hold an elected position within Town government are eligible for appointment as a Member of an Appointed Board. If any Member of an Appointed Board shall cease to be an Elector of the Town or otherwise become ineligible to hold such position, then that Member shall immediately cease to hold such membership and that position shall immediately be deemed vacant. Appointment of replacement members will follow minority representation statutes.
- B. Notwithstanding any provision of this Charter to the contrary, holding the position of Justice of the Peace or Registrar of Voters shall not make a person ineligible for appointment to an Appointed Board hereunder.

**§ C-706. Removal of Members of Appointed Boards.**

- A. Except as otherwise provided in this Charter or in the General Statutes, the Board of Selectmen may remove for cause any member of an Appointed Board, provided that such Member be notified in writing of the grounds for removal and given an opportunity for a hearing before the Board of Selectmen. If such member or alternate desires such a hearing, such Member shall so notify the Board of Selectmen in writing within seven days after notification of the grounds for removal. Such hearing shall be public only if such member or alternate so requests. Such hearing shall be held no less than seven nor more than 30 days after notification of the grounds for removal. The decision of the Board of Selectmen shall be final. The date of notification of the grounds for removal shall be deemed to be the date of delivery if delivered by hand and two days after the postmark if delivered by mail.
- B. From the date of notification of the grounds for removal until final action by the Board of Selectmen, such member or alternate shall be ineligible to perform the duties of office.
- C. For purposes of this provision, grounds for removal may include, but are not limited to: (i) unjustified absence from a significant number of the regularly scheduled and/or special meetings of a given board; (ii) unjustified absence from three consecutive regularly-scheduled meetings and/or intervening special meetings of a given board; and (iii) violation of the Town's Code of Ethics. The Board of Selectmen shall determine whether any absence is justifiable.

**§ C-707. Appointment of alternates to Appointed Boards.**

Should the General Statutes, this Charter or any Town Ordinance require the appointment of one or more alternates to an Appointed Board, the Board of Selectmen shall make such appointments. Should a member of an Appointed Board for which alternates have been designated be absent or disqualified, the chair of such Appointed Board shall designate one such alternate to act in place of such Member. Should the Board of Selectmen appoint two or more alternates to a single Appointed Board, the chair of such appointed board shall choose alternates in rotation so as to allow alternates to act as nearly an equal number of times as possible.

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**ARTICLE VIII, RESERVED**

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**ARTICLE IX, RESERVED**

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**ARTICLE X, Town Meeting and the Annual Budget Meeting**

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**§ C-1001. The Town Meeting.**

- A. The Town Meeting shall be the legislative body of the Town. The Town Meeting shall be called to authorize those actions of the Town hereinafter enumerated below and in subsequent sections of this Charter and such additional actions as may be required (subject to express overrule by a special referendum, as hereinafter defined).
- B. Notwithstanding any other provisions of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:
- (1) Adopting or repealing any Town Ordinance, except those Town Ordinances subject to adoption by the sole act of the Board of Selectmen as designated by this Charter;
  - (2) Approving the creation, consolidation or abolition of any permanent Town Board, whether elected or appointed, for which this Charter does not make provision;
  - (3) Approving the creation or abolition of any position for an Elected Official for which this Charter does not make provision;
  - (4) As required, approving matters or proposals that are described in Sections 1401-1901 of this Charter;  
and
  - (5) Such other matters or proposals as the Board of Selectmen, in its discretion, shall deem to be of sufficient importance to warrant a special Town Meeting.
- C. In addition, the Board of Selectmen shall convene a Town Meeting for any proper, lawful, non frivolous purpose upon the receipt by the Board of Selectmen of a Certified Petition requesting such meeting signed by at least 3.0% of the total Electors of the Town within 60 days prior to its presentation to the Town Clerk. The Board of Selectmen shall convene said Town Meeting no less than 20 and no more than 90 days after the date on which the petition requesting such meeting is received by the Board of Selectmen.

**§ C-1002. {Reserved}**

**§ C-1003. Procedure.**

All Town Meetings shall be called in accordance with the General Statutes by resolution of the Board of Selectmen fixing the time and place of said meeting. Notice of said meeting shall be given at least five days in advance in accordance with the General Statutes and by posting a notice in an exterior place near the office of the Town Clerk. The first item of business at such meeting shall be the election of a moderator from among those in attendance; the First Selectman shall preside over such meeting until the moderator is so chosen. All Town Meetings may be recessed and reconvened at a later date and/or a different location upon the passage of a proper motion to do so.

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**ARTICLE XI, Special Referenda and Special Budget Referenda**

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**§ C-1101. {Reserved}**

**§ C-1102. Special Referenda.**

- A. Any action taken at any Town Meeting may be subject to review by a special referendum. The Board of Selectmen shall call such a special referendum if, within 30 days from the date of the Town Meeting at which the contested action was taken, the Board of Selectmen receives a Certified Petition requesting a special referendum signed by at least 5.0% of the total electors of the Town. The Board of Selectmen shall call said special referendum no less than five and no more than 20 days after the date on which the petition is certified in accordance with this Charter.
- B. The only question(s) which shall be presented at such special referendum shall be whether to ratify or overrule the action(s) of that particular Town Meeting. All questions so presented shall be phrased such that a vote of “Yes” shall indicate approval of the action(s) of the Town Meeting and a vote of “No” shall indicate disapproval of the action(s) of the Town Meeting.
- C. Any action taken at any Town Meeting that is approved at the Annual Budget Referendum or a special referendum shall be considered conclusively approved, and no further Town Meetings or special referenda regarding the specific action may be called.

**§ C-1103. Special Budget Referenda.**

As described in Sections 1101c-1101e of this Charter, the Board of Selectmen shall call a “special budget referendum” for approval of certain matters or proposals. The Board of Selectmen shall not be required to hold a Town Meeting prior to special budget referenda.

**§ C-1104. Recount of Special Referenda and Special Budget Referenda.**

Recounts of the votes cast at special referenda and special budget referenda shall be pursuant to provisions in any applicable General Statutes. During the pendency of such recount, the Town shall not take any action in reliance upon the outcome of the initial vote count.

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**ARTICLE XIa, Annual Budget Meeting**

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**§ C-1101a. Annual Budget Meeting.**

- A. The Board of Selectmen shall convene a special Town Meeting (the “Annual Budget Meeting”) for the purpose of considering the annual Combined Budget at such hour and at such place as the Board of Selectmen may determine or as the General Statutes may require. The Town’s Chief Financial Officer, or his or her designee, as well as at least two representatives from each of the Boards of Education, Selectmen (one being the First Selectman, or his or her designee in extenuating circumstances) and Finance, shall be present at the Annual Budget Meeting and shall be available to respond to questions of the Town Voters.
- B. At the Annual Budget Meeting, the members of the Boards of Selectmen and Education shall, with respect to their respective budgets:
- (1) Provide their proposed budget to the Town Voters;
  - (2) Have available for review by the Town Voters a summary of each department’s proposed budget with a comparison to the amount budgeted in the current fiscal year;
  - (3) If feasible, have available for review by the Town Voters a summary of each department’s proposed budget and the amount estimated to be actually expended in the current fiscal year.
- C. At the Annual Budget Meeting, the Town Voters in attendance may reduce, but not increase, the Board of Selectmen Budget and/or the Board of Education Budget upon the passage of a proper motion(s) (as hereafter defined). A proper motion shall:
- (1) Stipulate a specific dollar amount for reduction;
  - (2) Stipulate the budget to which such reduction shall be charged (either the Board of Selectmen or the Board of Education budget);
  - (3) In the case of the Board of Selectmen Budget, the specific department’s budget to be reduced must be stipulated. Reductions may not be made to the capital expenditures or debt service line items of the budget.
  - (4) In the case of the Board of Education Budget, only the bottom line may be reduced.
- D. If the Board of Selectmen’s Budget excluding capital expenditures and debt service, or the Board of

Education Budget differs from that first presented by an amount equal to or in excess of 1.0%, the Annual Budget Meeting shall be continued to a second meeting held no less than two business days following the first meeting. At this second meeting, the proper motion(s) shall again be introduced to and acted upon by the Town Voters in attendance. Should the proper motion(s) pass at this second meeting, the proper motion(s) shall become effective and shall be incorporated into the proposed Combined Budget.

- E. The Annual Budget Meeting shall be automatically continued to the Annual Budget Referendum, at which the budgets of the Board of Selectmen and the Board of Education as recommended by the Annual Budget Meeting, shall be presented to the Town Voters for final approval or disapproval.

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## **ARTICLE XIb The Annual Budget Referendum**

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### **§ C-1101b. The Annual Budget Referendum**

The Annual Budget Referendum shall be held on such date as determined by the Annual Budget Meeting. A minimum of two questions shall appear on the ballot for the Annual Budget Referendum. The first question shall require a vote of “Yes” or “No” on whether to approve the Board of Selectmen Budget (Including debt service and capital expenditure budgets) as recommended by the Annual Budget Meeting. The second question shall require a vote of “Yes” or “No” on whether to approve the Board of Education Budget as recommended by the Annual Budget Meeting. The Board of Finance may, at its discretion, also direct that an advisory question appear on the ballot for either or both budgets. Such advisory question(s) shall require a response of either “Too High” or “Too Low” to describe the proposed level of spending.

Any action taken at the Annual Budget Meeting that is approved at the Annual Budget Referendum shall be considered conclusively approved, and no further Town Meetings or referenda regarding the specific action may be called.

### **§ C-1102b Recount of Annual Budget Referendum**

Recounts of the votes cast at the Annual Budget Referendum shall be pursuant to any applicable provisions in the General Statutes.

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## **ARTICLE XIc, Real Estate Purchases, Sales and Transfers**

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### **§ C-1101c. Real Estate Purchases, Sales and Transfers.**

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:
- (1) Approving real property purchases by the Town not previously budgeted for by the Town , for which the consideration given is an amount equal to or in excess of 2.0% of the Board of Selectmen Budget, excluding debt service and capital expenditures;
  - (2) Approving the sale or other transfer of real property by the Town for which the appraised value of the real property that is the subject of such transaction is an amount equal to or in excess of 2.0% of the Board of Selectmen Budget, excluding debt service and capital expenditures.
- B. If the thresholds outlined above are not met such that a Town Meeting is required, the Board of Finance has the authority to approve real estate purchases and transfers following recommendation by the Board of Selectmen.

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## **ARTICLE XI d, Leases**

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### **§ C-1101d. Leases.**

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:
- (1) Approving the execution by the Town, whether as lessor or lessee, of any capital lease option with a non-appropriation clause not previously budgeted for by the Town which obligates the Town for a period of one year or more and commits the Town to either make or receive lease payments for capital equipment with a purchase price that is an amount equal to or in excess of 2.0% of the Board of Selectmen Budget excluding debt service and capital expenditures.
- B. If the thresholds outlined above are not met such that a Town Meeting is required, the Board of Finance has the authority to approve leases following recommendation by the Board of Selectmen.

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## **ARTICLE XIe, Bonds**

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### **§ C-1101e. Bonds.**

- A. The Board of Selectmen shall call a special budget referendum to consider the approval of the issuance of all bonds. No such referendum shall be called unless the Board of Finance has recommended such bond issue. Refunding of an existing bond issue does not require a special budget referendum.



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## **ARTICLE XI<sup>f</sup>, Budget Transfers**

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### **§ C-1101<sup>f</sup>. Budget Transfers.**

- A. The First Selectman may authorize transfers of funds between Town departments required to handle immediate matters of public safety such as fire, weather emergencies, or similar events. The First Selectman shall notify the Board of Finance and Selectmen at their next regular meetings.
- B. The First Selectman and Chief Financial Officer shall approve all transfers from salary or benefit line items within a Town Department budget.
- C. Following recommendation by the Board of Selectmen, the Board of Finance has the authority to approve the transfer of funds between previously adopted Town Department budgets.

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## **ARTICLE XI<sup>g</sup>, Supplemental Appropriations**

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### **§ C-1101<sup>g</sup>. Supplemental Appropriations.**

- A. The First Selectman may authorize supplemental appropriations required to handle matters of immediate public safety such as fire, weather emergencies, respective or similar events. The First Selectman shall notify Boards of Finance and Selectmen at their next regular meetings.
- B. The Board of Finance has the authority to approve supplemental appropriations in an amount that is less than 2.0% of the budget to which the supplemental appropriation is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget).
- C. The Board of Selectmen shall call a Town Meeting to consider the approval of any supplemental appropriation in an amount that is equal to or exceeds 2.0% and less than 3.0% of the budget to which the supplemental appropriation is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget). No such Town Meeting shall be called unless the Board of Finance has recommended such supplemental appropriation. This requirement does not pertain to appropriations of grant monies or matching funds received by the Town.
- D. The Board of Selectmen shall call a Special Budget Referendum for approval of any supplemental appropriation for any Town Department in an amount that is equal to or exceeds 3.0% of the budget to which the transfer is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget). No such referendum shall be called unless the Board of Finance recommends such supplemental appropriation. The requirement does not pertain to appropriations of grant monies or matching funds received by the Town.

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## **ARTICLE XIh, Grant Programs**

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### **§ C-1101h. Grant Programs.**

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting to approve the submission of an application for, or the actual participation in, any federal, state, local or private grant program which requires or could require a contribution by the Town in an amount that is equal to or in excess of 3.0% of the Board of Selectmen Budget, excluding debt service and capital expenditures, over the lifetime of the project (excluding monies received from outside grant sources and matching funds). Programs for which the Board of Education properly makes such application are excluded from the requirements of this section.
- B. Regarding the distribution of funds (grant awards and matching funds) from outside sources for grant projects, the procedures for budget transfers and appropriations outlined in Sections 1101f and 1101g of this Charter are not required.
- C. Regarding the distribution of funds for approved grant projects, the procedures for budget transfers and appropriations outlined in Sections 1101f and 1101g of this Charter are not required. If a supplemental appropriation or transfer of funds is required to cover expenditures in excess of the previously approved amount, the procedures outlined in Sections 1101f and 1101g of this Charter are to be followed.

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## **ARTICLE XII, Town Departments and Administration**

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### **§ C-1201. Town Departments**

The Town shall have the following Town Departments and such other Town Departments as may exist at the time or the adoption of this Charter or that may be created pursuant to the provisions of this Charter or the General Statutes:

- A. A Department of Finance;
- B. A Department of Public Works;
- C. A Department of Planning and Zoning;
- D. A Department of Public Health;
- E. A Department of Recreation;

- F. A Department of Code Administration;
- G. A Department of Engineering;
- H. Cragin Town Library; and
- I. A Department of Senior Services

§ C-1202. {Reserved}

§ C-1203. {Reserved}

§ C-1204. {Reserved}

§ C-1205. {Reserved}

§ C-1206. {Reserved}

§ C-1207. {Reserved}

§ C-1208. {Reserved}

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## **ARTICLE XIII, Town Employees and Appointed Officials**

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### **§ C-1301. Town employees and appointed officials.**

The appointment and dismissal of all Town employees shall be made by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government. All appointments shall be made on the basis of merit and after examination of qualifications. The Board of Selectmen shall neither appoint nor dismiss Town employees associated with fire protection services except as recommended by the Fire Chief. Before the appointment or dismissal of any Town employee, the Board of Selectmen shall consult with the board, department or individual to whom the services of such employee are to be or have been rendered.

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## **ARTICLE XIV, Mandatory Periodic Charter Review**

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### **§ C-1401. Charter Review Commission.**

- A. Not less than once each 10 years, the Board of Selectmen shall appoint a temporary charter review commission (the "Charter Review Commission"). The Charter Review Commission shall review all provisions of the Charter and Town ordinances then in effect and as the Charter Review Commission deems necessary, shall meet with relevant department heads and members of government, and shall

solicit citizens' comments on the effectiveness of this Charter and Town ordinances and the need, if any, to amend, modify or repeal sections of this Charter or any Town ordinance. Within a time period as set by the Board of Selectmen, the members of the Charter Review Commission shall recommend to the Board of Selectmen either to maintain the Charter and Town ordinances then in effect or to amend, modify or repeal certain sections of this Charter or any Town ordinance. Should the Charter Review Commission recommend revisions, the Board of Selectmen may, in accordance with the General Statutes, appoint a charter revision commission to draft the revised Charter and/or Town ordinances and coordinate the approval and adoption process.

- B. This Charter may be amended at any time upon petition of the electors, as more fully described in the General Statutes.

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## **ARTICLE XV, Miscellaneous Provisions**

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### **§ C-1501. Consolidation.**

Without further action, and unless otherwise specifically provided in this Charter, the Town shall succeed to all rights, titles, estate and privileges of the former Borough of Colchester. In no event shall any provision of this Charter be construed in any way to change, modify, repeal, amend or otherwise affect the consolidation of the Borough and the Town of Colchester as one and the same body politic and corporate under the name "Town of Colchester," as approved at a duly called election on November 7, 1989 and as effective on July 1, 1990.

### **§ C-1502. [Reserved]**

### **§ C-1503. Commencement of terms of Elected Officials.**

The terms of all Elected Officials shall commence on the second Monday following the date of the applicable Municipal Election. All Elected Officials shall hold office until either their successors are elected and qualified or they resign from such office.

### **§ C-1504. Minority political representation.**

All Appointed Boards and Elected Boards shall have minority political representation in accordance with the General Statutes, except that the minority political representation may be larger than that required by statute if specifically provided in the Charter or by any bylaw or Town ordinance.

**§ C-1505. Appointment of Justices of the Peace.**

The major political parties, as defined in the General Statutes, shall each be entitled to nominate no more than 40 individuals to serve as Justices of the Peace for the Town.

**§ C-1506. {Reserved}**

**§ C-1507. Transfer of power.**

All commissions, boards, departments and offices which are either abolished or modified by this Charter, or any amendment thereto, shall continue to hold their respective duties and powers until such time as provision shall have been made for either the transfer or the modification of these duties and powers in accordance with the terms of this Charter or any amendment thereto. All members of appointed and Elected Boards whose positions are either abolished or modified by this Charter, or any amendment thereto, shall continue to hold their respective duties and powers until such time as provision shall have been made for either the transfer or modification of these duties and powers in accordance with the terms of this Charter or any amendment thereto.

**§ C-1508. Continuation of appropriations and Town funds.**

All appropriations approved and in force, and all funds, including special and reserve funds, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished in accordance with the terms of this Charter.

**§ C-1509. 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 commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by any provision of this Charter.

**§ C-1510. Savings clause.**

If either any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall affect neither the remainder of this Charter nor the context in which the section so held invalid may appear.

**§ C-1511. Effective date.**

The Charter that was effective as of July 1, 1995 shall remain in full force and effect. Any amendments thereto shall be effective on the effective date provided therein.

CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013

**CODE OF THE TOWN OF  
COLCHESTER,  
CONNECTICUT, v16**

Updated 04-01-2013

CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/PREFACE

**PREFACE**

The Town of Colchester began as the vision of a group of English settlers who wanted to lay out a new plantation in a large tract of virgin wilderness. Nathaniel Foote's grandfather emigrated in the 17th Century from Colchester, England, after having petitioned Gurdon Saltanstall, Governor of the colony, for a charter for the land. Nathaniel Foote ultimately purchased the land from Owenecco, the Sachem of the Mohegans, who inhabited the land at the time. The town's growth and development can be traced from its origins centering around the church parish to the industrial growth of the 19th Century to its position as a bedroom community for the urban areas of Hartford, Middletown and Norwich/New London.

The Town of Colchester has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up to date. It was with thoughts such as these in mind that the town ordered the following codification of its legislation:

**Contents of Code**

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Town of Colchester, including revisions or amendments to existing legislation deemed necessary by the town in the course of the codification.

**Division of Code**

The Code is divided into parts. Part I, Administrative Legislation, contains all town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other town legislation of a regulatory nature.

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Gayle Furman  
TOWN CLERK

Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Part III, Board of Health Legislation, contains legislation adopted by the Board of Health.

#### **Division of Code**

The Code is divided into two major divisions. The first division includes the Charter of the town. The second division includes all legislation of an administrative, general and permanent nature.

#### **Grouping of Legislation and Arrangement of Chapters**

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in the chapter entitled "Streets and Sidewalks." In such chapters, use of article or part designations has preserved the identity of the individual items of legislation.

#### **Table of Contents**

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several articles are listed beneath the chapter title in order to facilitate the location of the individual item of legislation.

#### **Reserved Chapters**

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

#### **Pagination**

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 4 begins on page 401, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

#### **Numbering of Sections**

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 4 is § 4-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

### **Scheme**

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

### **Histories**

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

### **General References; Editor's Notes**

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

### **Appendix**

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

### **Disposition List**

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

### **Index**

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

### **Instructions for Amending the Code**

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered.



**Adding new sections.** Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 67-5 and 67-6 should be designated § 67-5.1).

**Adding new chapters.** New chapters should be added in the proper alphabetical sequence, utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 133 and 134 should be designated Chapter 133A).

**Adding new articles.** New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVI A). The section numbers would be as indicated above (e.g., if the new Article XVI A contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVI A should contain §§ 166-30.1 through 166-30.6). **NOTE:** In chapters where articles appear on the Table of Contents, simply add new articles to the end of the chapter since they are not arranged by subject matter.

### Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

### Acknowledgment

The assistance of Pat LaGrega, Town Clerk, is gratefully acknowledged by the editor. The codification of the legislation of the Town of Colchester reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

## CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013 / THE CHARTER

### THE CHARTER

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[HISTORY: Adopted by the Town of Colchester 11-8-1994; amended in its entirety 11-7-2006 and 11-7-2017. Subsequent amendments noted where applicable.]

**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/ THE CHARTER / ARTICLE I, General Provisions**

**ARTICLE I, General Provisions**

**§ C-101. Definitions.**

In the interpretation of the Charter, the words and phrases set forth below shall be construed and defined as follows:

APPOINTED OFFICIAL – An official of the Town appointed by the Board of Selectmen and serving at the pleasure of the Board of Selectmen, as permitted by the General Statutes or this Charter except as otherwise provided by law.

APPOINTED BOARD – A Town board, commission, committee, or study group composed of one or more individuals Electors appointed by the Board of Selectmen.

BOARD OF EDUCATION BUDGET – The projected expenditures of the Board of Education.

BOARD OF SELECTMEN BUDGET – The projected expenditures of the Board of Selectmen, including capital and debt service.

CERTIFIED PETITION – A petition certified by the Town Clerk and conforming to the requirements of this Charter and the General Statutes. The Town Clerk must grant or deny this certification within 10 business days following receipt of the last page of said petition. Should the Town Clerk fail to make such determination within the time allotted, the-said petition shall automatically be deemed certifiedcertified.

COMBINED TOWN BUDGET – The combined overall projected expenditures of the Town, of whatever-kind-and-whatever-nature, including, but-not-limited-to, the budgets-of-the-Boards Board of Selectmen Budget and Board of Education Budget, the-capital-expenditure-budget, and payments-of-debt-service-on-the-Town's-indebtedness.

DEPARTMENT HEAD – The person or persons responsible for the management of each Town department Department as well as the supervision of all Town employees-Employees or appointed-officials Appointed Officials employed by-in such Town department Department.

ELECTED OFFICIAL – An official Elector of the Town chosen by secret ballot by a plurality of the electors Electors of the Town voting for said-an elected position.

ELECTED BOARD – A Town board, commission, committee or study group composed of one or more individuals Electors elected by secret ballot by a plurality of the electors-Electors of the Town voting for said-an elected position.

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ELECTION – A regular election as defined in the General Statutes.

ELECTOR – As defined in the General Statutes, any person possessing the qualifications prescribed by the [state](#) constitution and duly admitted to, and entitled to exercise, the privileges of an [elector](#)~~Elector of F-Elector in the~~  
~~the Town.~~

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Town:

GENERAL STATUTES – The Connecticut General Statutes as now in effect or as they may from time to time be amended.

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MEMBER OF AN APPOINTED BOARD – An ~~elector~~ Elector of the Town appointed by the Board of Selectmen to membership or as an alternate on an appointed board Appointed Board, who shall serve at the pleasure of the Board of Selectmen and without compensation of any kind.

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~~MINORITY REPRESENTATION – As defined by General Statutes, the maximum number of members of any board, commission, legislative body, committee or similar body of the state or any political subdivision thereof, whether elective or appointive, who may be members of the same political party.~~

MUNICIPAL ELECTION – An election Election at which municipal ~~officials~~ Elected Officials of the Town are elected.

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~~PUBLIC HEARING – Except as otherwise provided in the General Statutes, an open gathering in which members of the public are permitted to offer comments, but officials are not obligated to act on or respond to said comments.~~

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TOWN – The Town of Colchester.

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TOWN BOARD – A board of the Town, having either elected members, appointed members, or any combination thereof.

TOWN DEPARTMENT – All departments, agencies, and other subdivisions of the Town, except those under the Board of Education and its subsidiary departments, regardless of whether composed of ~~Town employees, appointed officials or elected officials~~ Town Employees, Appointed Officials or Elected Officials and regardless of whether now or hereafter existing under the terms of this Charter, the General Statutes, or any other mandate to which the Town is subject.

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TOWN EMPLOYEE – All individuals in all Town departments Departments who receive or are entitled to receive compensation from either the Town or any Town department Department, but excluding ~~elected officials~~ Elected Officials and employees of the Board of Education.

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TOWN MEETING – ~~Shall be a~~ A special Town meeting, annual budget meeting or annual Town meeting as described in the General Statutes.

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~~TOWN ORDINANCE – An ordinance of the Town of Colchester, as amended from time to time. A law passed by the Town of Colchester that regulates actions within the Town.~~

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TOWN VOTERS – Electors and other persons eligible to vote at any Town Meeting other than a regular or special Town election Election, in accordance with the provisions of Section 7-6 of the

General  
Statutes.

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**§ C-102. Rights and obligations.**

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Upon adoption of this Charter, the Town shall continue to own and remain vested in all property, both real and personal, all rights of action and rights of every description and all securities and liens, whether inchoate or choate which the Town owned or had rights in prior to the adoption of this Charter. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. The Town shall remain liable for all debts and obligations of every kind for which the Town is liable on the date of adoption of this Charter, whether accrued or undetermined. If any contract has been entered into by the Town prior to the adoption of this Charter, or any bond or undertaking has been given by or in favor of the Town, which contains provisions that the same may be enforced by any office or agency

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which is herein abolished or otherwise affected, such contracts, bonds or undertakings shall continue in full force and effect and, except as otherwise provided in this Charter, shall be exercised and discharged by the Board of Selectmen.

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§ C-103. General Powers of the Town.

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- A. All the inhabitants dwelling within the territorial limits of the Town, as previously constituted, shall continue to be a body politic and corporate under the name "Town of Colchester," and as such shall have perpetual succession and may hold and exercise all powers and privileges that have been exercised by the Town and are not inconsistent with the provisions of this Charter. In addition, the Town shall have such additional powers and privileges as conferred by the General Statutes.
- B. Upon adoption of this Charter, the Town shall retain all powers and privileges that it possesses immediately prior to such adoption, and shall have such additional powers and privileges granted to the Town by the General Statutes not inconsistent with this Charter. The Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted. The Town shall also have the power to make and enforce all bylaws and ordinances Town Ordinances, not inconsistent with law or this Charter, which may be necessary or proper to carry into execution the foregoing powers. The enumeration of particular powers anywhere in this Charter shall not be construed as limiting this general grant of power to the Town but shall be considered as additional thereto. In the event of a total or partial conflict, whether apparent or actual, between this Charter and any Town Ordinance or bylaw, the provisions of this Charter shall govern and shall be enforced, regardless of said Town Ordinance or bylaw.

§ C-104. Construction.

The powers and privileges of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power herein granted.

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**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16-Updated-04-01-2013 / THE CHARTER / ARTICLE II, Elected Officials and Elected Boards**

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**ARTICLE II, Elected Officials and Elected Boards**

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§ C-201. Elected officials Officials.

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The Town shall have the following elected officials:

- A. First Selectman.

B. ~~Town Clerk~~

~~{Reserved}~~

C. ~~Tax~~

~~Collector~~; ~~{Reserved}~~

D. ~~Town Treasurer~~; ~~{Reserved}~~

E. ~~Registrars of Voters~~

§ C-202. Elected ~~boards~~**Boards**.

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The Town shall have the following ~~elected-boards~~**Elected Boards**, whose members shall be elected as provided in the General Statutes and this Charter:

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- A. A five-member Board of Selectmen, one member of which shall be the First Selectman;
- B. A six-member Board of Finance;
- C. A seven-member Board of Education; and
- D. A three-member Board of Assessment Appeals.

§ C-203. Eligibility for election of ~~elected-officials~~**Elected Officials** and members of ~~elected-boards~~**Elected Boards**.

A. Any ~~elector~~**Elector** of the Town is eligible for election as an ~~elected-official~~**Elected Official** or member of an ~~elected-board~~**Elected Board**, provided:

(1) No ~~elector~~**Elector** shall simultaneously hold more than one elected position; and

(2) No ~~elector~~**Elector** shall simultaneously hold an elected position and an appointed position, whether as a member of an ~~appointed-board~~**Appointed Board** or as an ~~appointed-official~~**Appointed Official**.

B. If any ~~elected-official~~**Elected Official** or member of an elected board shall cease to be an ~~elector~~**Elector** of the Town or otherwise become ineligible to hold such position, then ~~that~~**such** official or member shall immediately cease to hold such office or to be such a member and such office or membership shall immediately be deemed vacant.

- C. Notwithstanding any provision of this Charter to the contrary, holding the position of Justice of the Peace shall not make a person ineligible for election as an ~~elected official~~Elected Official or a member of an ~~elected board~~Elected Board.
- D. This Section C-203 does not, and ~~should~~shall not be construed to, prohibit political activity of classified municipal employees that is permitted pursuant to Section 7-421 of the General Statutes.

**§ C-204. Succession Provisions in the event of an opening on an Elected Board (Except as provided in Section 303).**

In the event of a vacancy on an Elected Board, the remaining members of the Elected Board within 60 days of the start of such vacancy, shall appoint by majority vote a Successor Member (the "Successor Member") to membership on that board. The Successor Member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such Successor Member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Member shall be a member of the prior member's political party (or unaffiliated, if applicable) at the time such prior member was elected. The Successor Member shall hold such membership until the next Municipal Election at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member if applicable.

**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/ THE CHARTER / ARTICLE III, The First Selectman**

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## ARTICLE III, The First Selectman

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### § C-301. Manner of election and term of office.

The First Selectman shall be elected by a plurality of the votes cast by the ~~electors~~ Electors of the Town for this office at a ~~municipal election~~ Municipal Election. ~~Beginning with the Municipal Election on November 5, 2019, held on the first Tuesday after the first Monday in November of every held on the first Tuesday after the first Monday in November, odd-numbered year.~~ The First Selectman shall serve a two-year ~~four-year~~ term of office.

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### § C-302. Powers and duties of the First Selectman.

- A. The First Selectman shall be the Chief Executive Officer of the Town and shall be a full voting and participating member of the Board of Selectmen. The First Selectman shall also be a nonvoting ex-officio member of all Town departments and Town boards, except the Board of Education. The First Selectman shall exercise such additional powers and have such additional duties as are set forth in the General Statutes and in this Charter.
- B. The First Selectman shall be responsible to the townspeople and the Board of Selectman for the administration of Town government. The First Selectman shall be responsible for the direction and supervision of activities of all Town ~~departments~~ Departments, except the Board of Education, and all ~~appointed boards~~ Appointed Boards, except as otherwise provided in the General Statutes. Except as otherwise provided in the General Statutes, All ~~elected officials~~, ~~appointed officials~~ Appointed Officials, ~~appointed boards~~ Appointed Boards and ~~Town employees~~ Town Employees shall report to the First Selectman, but the First Selectman may delegate such oversight authority to any ~~appointed official~~ Appointed Official or Town ~~employee~~ Employee as is deemed necessary for the sound administration of Town government.
- C. The First Selectman may, with the approval of the Board of Selectmen and subject to such other limitations contained in the General Statutes and this Charter, enter into contracts or agreements on behalf of the Town with the exception of Board of Education contracts executed by the Town as owner of real property used for school purposes.
- D. The First Selectman shall ensure that all laws and ordinances governing the Town are faithfully executed and shall make periodic reports to the Board of Selectmen on the conditions and affairs of the Town. The First Selectmen, with the assistance of all Town ~~department heads~~ Department Heads, shall keep the Board of Selectmen fully apprised of the financial condition and administrative soundness of the Town and Town ~~departments~~ Departments.
- E. The First Selectman may appoint and remove members of regional and inter-local agencies and

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programs as authorized by ~~ordinances~~Town Ordinances adopted pursuant to the applicable provisions of the General Statutes or this Charter. Nothing in this Charter shall be construed as limiting the authority of the Town, by action of the Board of Selectmen, to continue such participation or join new regional and inter-local agencies and programs, as authorized by the General Statutes.

- F. During the temporary absence of any ~~appointed-official~~Appointed Official or Department Head, the First Selectman either may perform or may appoint a designee to perform temporarily the duties of such ~~appointed-official~~Appointed Official or Department Head.

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**§ C-303. Succession provisions.**

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- A. Prior to any planned temporary absence or planned temporary period of incapacity of the First Selectman, such that the First Selectman shall be unable to perform his or her duties as required, the First Selectman shall designate one of the other members of the Board of Selectmen to assume the duties of the First Selectman for the duration of such period.
- B. In the event of an unplanned temporary absence or unplanned temporary period of incapacity of the First Selectman, such that the First Selectman shall be unable to perform his or her duties as required, the remaining members of the Board of Selectmen shall, with all deliberate speed, designate one of its members to assume the duties of the First Selectman for the duration of such period.
- C. In the event of a vacancy in the office of First Selectman, the remaining members of the Board of Selectmen shall, with all deliberate speed, select one of its members to assume the position of First Selectman for the unexpired term (the "Successor First Selectman"), which Successor First Selectman shall be a member of the same political party as the prior First Selectman or, if the prior First Selectman was not affiliated with any political party, then such Successor First Selectman shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior First Selectman has changed political parties or has become unaffiliated subsequent to being elected, then the Successor First Selectman shall be a member of the prior First Selectman's political party (or unaffiliated, if applicable) at the time such prior First Selectman was elected. If none of the members of the Board of Selectmen is able to assume the role of the Successor First Selectman in accordance with the provisions of this Section C-303(C), then the Board of Selectmen shall select an ~~elector~~Elector that is a member of the same political party (or unaffiliated if applicable) as the prior First Selectman at the time such First Selectman was elected to assume the role of the Successor First Selectman ~~in accordance with the provisions of this Section C-303(C)~~to serve until the next Municipal Election.

**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/ THE CHARTER / ARTICLE IV, The Board of Selectmen**

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**ARTICLE IV, ~~The~~ The Board of Selectmen**

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**§ C-401. Manner of election and term of office.**

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The four other members of the Board of Selectmen shall be elected at a ~~municipal election~~Municipal Election held on the first Tuesday after the first Monday in November ~~of every odd-numbered year~~. These four members shall be the four highest vote getters from ~~amongst~~among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes. No member of the Board of Selectmen, other than the First Selectman, shall receive a salary. Beginning with the November 5, 2019 Municipal Election, ~~the~~ members of the Board of

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Selectmen shall serve a ~~two-year~~four-year terms of office.

§ C-402. Powers and duties of the Board of Selectmen.

- A. The Board of Selectmen shall exercise such powers and have such duties as are set forth in the General Statutes and in this Charter. Except where otherwise specified herein, the members of the Board of Selectmen shall act only in the presence of a quorum; and any action of the Board of Selectmen shall require a majority vote by such quorum. Formatted: Left
- B. The Board of Selectmen shall ~~execute~~approve all contracts to which the Town or any subdivision thereof is a party and all other agreements which bind the Town or any subdivision thereof in any way. The Board of Selectmen may not delegate this contractual authority. Formatted: Left
- C. The Board of Selectmen shall administer all personnel policies concerning Town ~~employees~~Employees and shall be responsible for the administration of all agreements, contracts and understandings regarding Town ~~E~~employees, including labor contracts, benefit plans, and hiring policies. The appointment and dismissal of all Town ~~employees~~Employees shall be administered by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government. Formatted: Left
- D. The Board of Selectmen may recommend to the Town Meeting the creation or abolition by ordinance of ~~permanent~~ boards, commissions, committees, agencies, departments and offices not specifically authorized in this Charter. ~~For purposes of this section, boards, commissions, committees and study groups which are reasonably expected to remain active for longer than one year shall be considered permanent.~~ Formatted: Left
- E. The Board of Selectmen, acting in its sole discretion, may appoint such temporary boards, commissions, committees or study groups as it may from time to time determine are necessary. For purposes of this section, only boards, commissions, committees and study groups which are reasonably expected to remain active for one year or less shall be considered temporary. Formatted: Left
- F. The Board of Selectmen may ~~contract~~approve contracts for services and the use of facilities with the United States government or any agency or instrumentality thereof, the State of Connecticut or any political subdivision, agency or instrumentality thereof, or may, ~~by agreement~~approve agreements to join with any political subdivisions to provide services and facilities in accordance with the applicable provisions of the General Statutes. Formatted: Left
- G. The Board of Selectmen shall appoint all members of ~~appointed boards~~Town Appointed Boards and may remove any such member. Formatted: Left
- H. ~~The~~Except as otherwise provided in the General Statutes, The Board of Selectmen shall oversee the internal operations of all Town ~~departments~~Departments and Town ~~boards~~Appointed Boards and any office which the Board of Selectmen fills by appointment. The Board of Selectmen may name one or more of its members to serve along with the First Selectman as a nonvoting ex-officio member of any ~~appointed board~~Appointed Board. Formatted: Left
- I. ~~As required by Article XI f and XI g, t~~he Board of Selectmen may recommend to the Board of Formatted: Left

*Town of Colchester*  
*PC CodeBook for Windows*

Finance the approval of the following matters concerning the Board of Selectmen's  
budget (subject to further approval by the Town)

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Meeting, if so required):

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- (1) Any supplemental appropriation of funds (Article XIg); and
- (2) Any transfer of funds between Town ~~departments~~Departments (Article XII).

J. The Board of Selectmen may accept any road complying with planning and zoning regulations as a municipal road, provided that prior to such acceptance:

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- (1) The Town ~~Engineer~~engineer has certified to the Board of Selectmen that such road meets all applicable specifications and requirements; and
- (2) The Board of Selectmen shall hold a ~~public hearing~~Public Hearing prior to such acceptance at which public comments are heard.

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K. In no event shall the Board of Selectmen delegate its policymaking authority.

L.     —The Board of Selectmen shall be the Water Pollution Control Authority for the Town.

**§ C-403. Limited power to adopt ~~ordinances~~Town Ordinances.**

A. The Board of Selectmen shall have the power to enact, amend and repeal ~~ordinances~~Town Ordinances only for the following purposes:

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- (1) To incorporate any nationally recognized code, rules or regulations, which have been published or any code officially adopted by any administrative agency of the State of Connecticut, or any portion thereof, provided upon adoption of any such code, rules or regulations, copies of such shall be maintained and made available to the public in the office of the Town Clerk or in the office of the Town ~~department~~Department directly responsible for enforcing such code, rules or regulations and in the public library; and
- (2) To ~~fixset and adjust~~ the charges to be made for services rendered by the Town and to ~~fixset and adjust~~ the charges for any violation of an existing ~~ordinance~~Town Ordinance for which a penalty is provided.

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B. No ~~ordinance~~Town Ordinance shall be acted upon by the Board of Selectmen pursuant to this section until a ~~public hearing~~Public Hearing concerning such ordinance shall have been held by the Board of Selectmen. Notice of such ~~public hearing~~Public Hearing shall be given at least 10 days in advance by publication of a legal notice in a newspaper having a general circulation in the Town and by posting a notice in the office of the Town Clerk. Copies of any such proposed ordinance shall be available to the public in the office of the Town Clerk at least 10 days prior to the date set for the ~~public hearing~~Public Hearing. If substantive changes, as determined by Town counsel, are made to the proposed ordinance after the ~~public hearing~~Public Hearing, a second ~~public hearing~~Public Hearing shall be held prior to final action by the Board of Selectmen.

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C. Within one business day of its approval by the Board of Selectmen, every ~~ordinance~~Town

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Ordinance adopted pursuant to the provisions of this section shall be filed with the Town Clerk, who shall record.



~~compile~~ and publish the ~~ordinance~~ Town Ordinance as required by the General Statutes. Within 10 days of receipt of such adopted ~~ordinance~~ Town Ordinance, the Town Clerk shall also cause to be published a summary of the ~~ordinance~~ Town Ordinance in a newspaper having a general circulation in the Town and shall keep a copy of the full text of the ~~ordinance~~ Town Ordinance on file for public inspection.

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D. Every ~~ordinance~~ Town Ordinance adopted pursuant to the provisions of this section shall become effective no earlier than 31 days after publication of its approval ~~unless the terms of a Town Ordinance provide a different effective date.~~

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E. Notwithstanding any other provision of this Charter, the Board of Selectmen shall have the power to enact emergency ~~ordinances~~ Town Ordinances during any period of a public emergency threatening the lives, health or property of persons in the Town. The Board of Selectmen shall use the best means available to inform the public of the emergency ~~ordinance~~ Town Ordinance and the facts concerning the public emergency to which it relates. Any ~~emergency ordinance~~ Town Ordinance, or ~~amendment thereto,~~ ~~enacted pursuant to~~ ~~this subsection~~ shall become effective immediately and shall be effective for a period of 31 days unless sooner repealed by the Board of Selectmen. If within the 31 days action has been initiated to convene either a Town Meeting or a ~~public hearing~~ Public Hearing to make such emergency ~~ordinance~~ Town Ordinance permanent or to otherwise extend its validity, then such emergency ~~ordinance~~ Town Ordinance shall remain in effect until such Town Meeting or ~~public hearing~~ Public Hearing is held.

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~~§ C-404. {Vacancies on the Board of Selectmen Reserved}.~~

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~~In the event of a vacancy on the Board of Selectmen, the remaining members of the Board of Selectmen, within 60 days of the creation of such vacancy, shall appoint a successor Selectman (the "Successor Selectman") to membership on the Board of Selectmen for the unexpired term, which Successor Selectman shall be a member of the same political party as the prior Selectman, or if the prior Selectman was not affiliated with any political party, then such Successor Selectman shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior Selectman has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Selectman shall be a member of the prior Selectman's political party (or unaffiliated, if applicable) at the time such prior Selectman was elected.~~

**§ C-405. Limited power of investigation.**

The Board of Selectmen shall, upon the affirmative vote of at least four of its members, have the power to investigate any and all ~~Town Departments, Elected Officials, Appointed Officials, Elected Boards and Appointed Boards~~ departments, elected officials, appointed officials, elected boards and appointed boards for such purposes as they shall deem necessary. The Board of Selectmen shall have the power to call and to subpoena witnesses to testify and to furnish documentation on any matter under investigation. Town counsel shall be present when any witness so called appears before the Board of Selectmen. Any witness so called shall have the right to be accompanied by counsel during such

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testimony.

**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/ THE CHARTER / ARTICLE V, Other Elected Officials**

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## ARTICLE V, Other Elected Officials

### § C-501. ~~{Reserved}~~The Town Clerk,

- ~~A. The Town Clerk shall at all times be a person qualified to fulfill the duties of a town clerk as set forth in the General Statutes.~~
- ~~B. The Town Clerk shall be elected by a plurality of the votes cast for this office at a municipal election held on the first Tuesday after the first Monday in November of every fourth year beginning in November 1995. The Town Clerk shall serve a four-year term of office.~~
- ~~C. The Town Clerk shall be charged with the custody and control of all public records of the Town and shall have such other duties assigned to town clerks under the General Statutes.~~
- ~~D. If the position of Town Clerk is vacant for any cause, the Board of Selectmen shall immediately designate a successor Town Clerk with all powers and privileges incident thereto. The successor Town Clerk shall be a member of the same political party as the prior Town Clerk, or if the prior Town Clerk was not affiliated with any political party, then such successor Town Clerk shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior Town Clerk has changed political parties or has become unaffiliated subsequent to being elected, then the successor Town Clerk shall be a member of the prior Town Clerk's political party (or unaffiliated, if applicable) at the time such prior Town Clerk was elected. Such successor Town Clerk shall hold such office until the next municipal election. At this municipal election, the electors shall elect a successor to serve for the remainder of the unexpired term of the prior Town Clerk.~~

### § C-502 Tax Collector,

- ~~A. The Tax Collector shall at all times be a person qualified to fulfill the duties of a tax collector and a collector of taxes under the General Statutes.~~
- ~~B. Manner of election and term of office. The Tax Collector shall be elected by a plurality of the votes cast for this office at an election held on the first Tuesday after the first Monday in November of every fourth year beginning in November 1995. The Tax Collector shall serve a four-year term of office.~~
- ~~C. Powers and duties. The Tax Collector shall be charged with the collection of all taxes and levies imposed by the Board of Finance and shall have such other duties assigned to tax collectors under the General Statutes.~~

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D. Succession and vacancies. If the position of Tax Collector is vacant for any cause, the Board of Selectmen shall immediately designate an Acting Tax Collector, with all powers and privileges incident thereto. Such Acting Tax Collector shall hold such office until the next regular election. At

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~~this election, the electors shall elect a successor to fill the unexpired term.~~

~~§ C-5023, The Treasurer {Reserved},~~

~~§ C-503, {Reserved}~~

- ~~A. The Treasurer shall at all times be a person qualified to fulfill the duties of a town treasurer as set forth in the General Statutes.~~
  - ~~B. Manner of election and term of office. The Town Treasurer shall be elected by a plurality of the votes cast for this office at an election held on the first Tuesday after the first Monday in November of every second year beginning in November, 1995. The Town Treasurer shall serve a two year term of office.~~
  - ~~C. Powers and duties. The Town Treasurer shall receive all money belonging to the Town and shall have responsibility for depositing such money in the appropriate accounts and/or investments. Upon the direction of the proper authority the Town Treasurer shall cause to be paid to the proper person(s) or organizations such money as needed for the sound administration of Town government. The Town Treasurer shall:
 
    - ~~1) Keep a record of all moneys received and when received;~~
    - ~~2) Keep a record of all moneys expended and for what purpose and upon whose authority; and~~
    - ~~3) Exercise such other powers and perform such other duties as assigned to town treasurers by the General Statutes.~~~~
  - ~~D. Succession and vacancies. If the position of Town Treasurer is vacant for any cause, the Board of Selectmen shall immediately designate an Acting Town Treasurer. Such Acting Town Treasurer shall hold such office until the next regular election. At this election, the electors shall elect a successor to fill the unexpired term.~~
- ~~CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/ THE CHARTER / ARTICLE VI, Other Elected Boards~~

**ARTICLE VI, Other Elected Boards**

**§ C-601. The Board of Finance.**

- A. The Town shall have a six-member Board of Finance as constituted at the time this Charter shall take effect.
- B. Beginning with the Municipal Election held on the first Tuesday after the first Monday of November 2019, Board of Finance members will be elected to a four year term that ends in 2023. On a Municipal Election held on the first Tuesday after the first Monday of November 2021, two Board of Finance members will be elected to a two year term that ends in 2023. Following the November 2023 election, all Board of Finance members will serve a four year term. Beginning with the municipal election held on the first Tuesday after the first Monday of November 1995, two members of the Board of Finance shall be elected every odd-numbered year, each for a term of six years. At each municipal election, the new two members shall be the two highest vote getters,

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from ~~amongst~~among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.

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- C. The Board of Finance shall be responsible for ~~developing and~~ presenting to the Town ~~voters~~Voters the budgets for all Town ~~departments~~Departments and the ~~Combined Budget~~overall-Town-government and shall have all of the powers and perform all of the duties conferred or imposed upon ~~B~~boards of ~~F~~inance by the General Statutes.

(1) The Board of Finance shall have the authority to approve supplemental appropriations from, and transfers within, the ~~Town budget~~Board of Selectmen Budget as recommended by the Board of Selectmen, subject to the further approval of the Town Meeting, if so required.

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(2) Prior to the Annual Budget Meeting, the Board of Finance shall hold at least two ~~public~~hearingsPublic Hearings for the purpose of presenting the ~~combined Town budget~~Combined Budget to interested Town ~~voters~~Voters for their comments and suggestions.

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~~(3) The Board of Finance shall establish the mill rate, as set forth in the General Statutes.~~

- D. ~~In the event of a vacancy on the Board of Finance, the remaining members of the Board of Finance, within 60 days of the start of such vacancy, shall appoint by majority vote a successor member (the "successor member") to membership on the Board of Finance, which successor member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such successor member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the successor member shall be a member of the prior member's political party (or unaffiliated, if applicable) at the time such prior member was elected. The successor member shall hold such membership until the next municipal election, at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member.~~ {Reserved}

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#### § C-602. The Board of Education.

- A. The Town shall have a seven-member Board of Education, as constituted at the time this Charter shall take effect.

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- B. ~~Beginning with the municipal election held on the first Tuesday after the first Monday of November 1995, members of the Board of Education shall be elected in accordance with Chapter 46, Education, Board of, of the Code of the Town of Colechester, subject to the requirements of minority political representation as required by this Charter and by the General Statutes. Members of the Board of Education shall serve a four-year term of office. Beginning with the Municipal Election held on the first Tuesday after the first Monday of November 2019, Board of Education members will be elected to a four year term that ends in 2023. On a Municipal Election held on the first Tuesday after the~~

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first Monday of November 2021, four Board of Education members will be elected to a two year term that ends in 2023. Following the November 2023 election, all Board of Education members will serve a four year term. At each municipal election, the new members shall be the highest vote getters from among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.

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- C. (1) The Board of Education shall be responsible for maintaining all public elementary and secondary schools in the Town, shall implement the educational interests of the State, as defined in the General Statutes, and shall continue to have all of the powers and perform all of the duties conferred or imposed upon boards of education by the General Statutes.

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- (2) Prior to the Annual Budget Meeting, the Board of Education shall participate in at least two public hearings~~Public Hearings~~ held by the Board of Finance for the purpose of presenting the Town education~~Board of Education Budget to the Town Voters~~.

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budget to the Town voters.

~~D. In the event of a vacancy on the Board of Education, the remaining members of the Board of Education, within 60 days of the start of such vacancy, shall appoint a successor member (the "successor member") to membership on the Board of Education, which successor member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such successor member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the successor member shall be a member of the prior member's political party (or unaffiliated, if applicable) at the time such prior member was elected. The successor member shall hold such membership until the next municipal election, at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member.~~

D. {Reserved}

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#### § C-603. The Board of Assessment Appeals.

- A. The Town shall have a three-member Board of Assessment Appeals as constituted at the time this Charter shall take effect.
- B. ~~Beginning with the Municipal Election held on the first Tuesday after the first Monday of November 2019, The~~ three members of the Board of Assessment Appeals shall be elected by a plurality of the votes cast for such office ~~at a municipal election held on the first Tuesday after the first Monday in November of every odd-numbered year~~ for a term of ~~four~~two years. The three members shall be the three highest vote getters from ~~amongst~~among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.
- C. The Board of Assessment Appeals shall be responsible for hearing all appeals of property assessments in the Town and have such other powers and duties as set forth in the General Statutes.

~~D. In the event of a vacancy on the Board of Assessment Appeals, the Board of Selectmen, within 60 days of the start of such vacancy, shall appoint a successor member (the "successor member") to membership on the Board of Assessment Appeals, which successor member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such successor member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the successor member shall be a member of the prior member's political party (or unaffiliated, if applicable) at the time such prior member was elected. The successor member shall hold such membership until the next municipal election, at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member.~~

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D. {Reserved}

**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/ THE CHARTER / ARTICLE VII, Appointed Officials and Appointed Boards**



**ARTICLE VII, Appointed Officials and Appointed Boards**

**§ C-701. Appointed officials**

The Board of Selectmen shall appoint the following Appointed Officials and such other Appointed Officials as required by the General Statutes:

A. Assessor

B. Tax Collector

C. Town Clerk, and

D. Treasurer, provided that the statutory duties of a "town treasurer" may be incorporated into the duties of a Chief Financial Officer or other Appointed Official, Department Head or Town Employee,

The Town may have any appointed official as permitted by the General Statutes or this Charter. The Board of Selectmen may appoint any other Appointed Officials as permitted by the General Statutes or this Charter.

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**§ C-702. Appointed boards**

The Town shall have the following appointed boards, and such other appointed boards as are created pursuant to this Charter, whose members shall be appointed as provided in this Charter. The Town shall have Appointed Boards as created pursuant to this Charter or required by the General Statutes, all of whose members shall be appointed as provided in this Charter.

A. A five-member Police Commission; and

B. A nine-member Sewer and Water Commission.

**§ C-703. Eligibility and appointment of appointed officials**

Eligibility for appointment of appointed officials shall be governed, where applicable, by the General Statutes and/or the standards adopted by the Board of Selectmen. All appointed officials shall be appointed by the Board of Selectmen pursuant to procedures as adopted by the Board of Selectmen or permitted or required by the General Statutes.

**§ C-704. Removal of ~~appointed officials~~ Appointed Officials.**

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~~Appointed officials~~ Appointed Officials shall be removed by the Board of Selectmen. If a removal procedure for a particular ~~appointed official~~ Appointed Official is not provided for in the General Statutes, then the Board of Selectmen may remove for any reason any ~~appointed official~~ Appointed Official, provided that such ~~appointed Official~~ Appointed Official be notified in writing of the grounds for removal and given an opportunity to appear before the Board of Selectmen to respond to the grounds identified. If such ~~appointed official~~ Appointed Official desires such a meeting, such ~~appointed official~~ Appointed Official shall so notify the Board of Selectmen in writing within seven days after notification of the grounds for removal. Such meeting shall be public only if such ~~appointed official~~ Appointed Official so requests. Such meeting shall be held no less than seven nor more than 30 days after notification of the grounds for removal. The decision of the Board of Selectmen shall be final. The date of notification of the grounds for removal shall be deemed to be the date of delivery if delivered by hand and two days after the postmark if delivered by mail.

**§ C-705. Eligibility and appointment of members of ~~appointed boards~~ Appointed Boards.**

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- A. All members of ~~appointed boards~~ Appointed Boards shall be appointed by the Board of Selectmen pursuant to procedures adopted by the Board of Selectmen. Only ~~electors~~ Electors of the Town who do not hold an

~~electedelected~~ position within Town government are eligible for appointment as a ~~memberMember~~ of an ~~appointed-boardAppointed Board~~. If any ~~memberMember~~ of an ~~appointed-boardAppointed Board~~ shall cease to be an ~~electorElector~~ of the Town or otherwise become ineligible to hold such position, then that ~~memberMember~~ shall immediately cease to hold such membership and that position shall immediately be deemed vacant. Appointment of replacement members will follow minority representation statutes.

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B. Notwithstanding any provision of this Charter to the contrary, holding the position of Justice of the Peace or Registrar of Voters shall not make a person ineligible for appointment to an ~~appointed-boardAppointed Board~~ hereunder.

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**§ C-706. Removal of ~~membersMembers~~ of ~~appointed-boardsAppointed Boards~~.**

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A. Except as otherwise provided in this Charter or in the General Statutes, the Board of Selectmen may remove for cause any member of an ~~appointed-boardAppointed Board~~, provided that such ~~memberMember~~ be notified in writing of the grounds for removal and given an opportunity for a hearing before the Board of Selectmen. If such member or alternate desires such a hearing, such ~~memberMember~~ shall so notify the Board of Selectmen in writing within seven days after notification of the grounds for removal. Such hearing shall be public only if such member or alternate so requests. Such hearing shall be held no less than seven nor more than 30 days after notification of the grounds for removal. The decision of the Board of Selectmen shall be final. The date of notification of the grounds for removal shall be deemed to be the date of delivery if delivered by hand and two days after the postmark if delivered by mail.

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B. From the date of notification of the grounds for removal until final action by the Board of Selectmen, such member or alternate shall be ineligible to perform the duties of office.

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C. For purposes of this provision, grounds for removal may include, but are not limited to: (i) unjustified absence from a significant number of the regularly scheduled and/or special meetings of a given board; (ii) unjustified absence from three consecutive regularly-scheduled meetings and/or intervening special meetings of a given board; and (iii) violation of the Town's Code of Ethics. The Board of Selectmen shall determine whether any absence is justifiable.

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**§ C-707. Appointment of alternates to ~~appointed-boardsAppointed Boards~~.**

Should the General Statutes, this Charter or any Town ~~ordinanceOrdinance~~ require the appointment of one or more alternates to an ~~appointed-boardAppointed Board~~, the Board of Selectmen shall make such appointments. Should a member of an ~~appointed-boardAppointed Board~~ for which alternates have been designated be absent or disqualified, the chair of such ~~appointed-boardAppointed Board~~ shall designate one such alternate to act in place of such ~~memberMember~~. Should the Board of Selectmen appoint two or more alternates to a single ~~appointed-boardAppointed Board~~, the chair of such appointed board shall choose alternates in rotation so as to allow alternates to act as nearly an equal number of times as possible.

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*Town of Colchester  
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**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/THE CHARTER /ARTICLE VIII, RESERVED**

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## ARTICLE VIII, RESERVED

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[RESERVED]

### CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013 / THE CHARTER / ARTICLE IX, Appointed Boards

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## ARTICLE IX, ~~Appointed Boards~~RESERVED

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### ~~§ C-901. The Police Commission.~~

~~The Board of Selectmen shall appoint a five-member Police Commission. The powers, duties, organization and term of appointment for the Police Commission shall be governed by the General Statutes and Section 214 of the Town Ordinances.~~

### ~~§ C-902. The Sewer and Water Commission.~~

~~A. The area of the Town served by the public water and sewer system, as may be expanded or reduced from time to time, shall be designated as the Sewer and Water District.~~

~~B. The Board of Selectmen shall appoint a nine-member Sewer and Water Commission, which shall be subject to the oversight and supervision of the Board of Selectmen.~~

~~C. The Sewer and Water Commission annually shall develop a budget of expenses for operating and maintaining the Sewer and Water District. The Sewer and Water Commission annually shall develop and submit to the Board of Selectmen a schedule of rates and fees for sewer and water services. Prior to submitting these rates and fees, the Sewer and Water Commission shall hold a public hearing to present this budget and these rates, along with a comparison of such budget and rates to those in effect in the last completed fiscal year and in the current year-to-date fiscal year. The Director of Public Works shall review such budget and rates and may recommend alterations to the Board of Selectmen. The Board of Selectmen may alter such budgets and rates as it deems appropriate.~~

~~D. The Sewer and Water Commission shall annually recommend to the Department of Public Works any construction and expansion of the Sewer and Water District and any expenditure for the care, maintenance, or reconstruction of the sewer and water system.~~

~~E. The Sewer and Water Commission shall administer the operations of the Sewer and Water District, including the construction, reconstruction, establishment, planning, restoration, enlargement, improvement, removal, care, repair and maintenance of all sewer and water systems. The Sewer and~~

~~Water Commission may, upon authorization of the Director of Public Works and of the Board of Selectmen, negotiate any contract incidental to the provision of sewer and water services, such as contracts for system repair or system expansion, except any labor contract or collective bargaining agreement. In no event shall the Sewer and Water Commission or any member thereof execute these contracts or bind the Town in any way.~~

**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/THE CHARTER / ARTICLE X, The Town Meeting and the Annual Budget Meeting**

**ARTICLE X, The Town Meeting and the Annual Budget Meeting**

**§ C-1001. The Town Meeting.**

A. The Town Meeting shall be the legislative body of the Town. The Town Meeting shall be called to authorize those actions of the Town hereinafter enumerated below and ~~such in subsequent sections of this Charter and such~~ additional actions as may be required (subject to express overrule by a special referendum, as hereinafter defined).

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B. Notwithstanding any other provisions of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:

~~(1) Adopting or repealing any Town Ordinance, except those Town Ordinances subject to adoption by the sole act of the Board of Selectmen as designated by this Charter;~~

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~~(1) Approving the issuance of bonds and all other forms of borrowing, the terms of which obligate the Town for a time period of one year or more;~~

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~~(2) Approving any supplemental appropriation of funds previously approved by the Board of Finance in an amount that exceeds 0.5% of the combined Town budget, excluding the budget of the Board of Education;~~

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~~(3) Approving any transfer of funds between Town departments previously approved by the Board of Finance in an amount that exceeds 0.5% of the combined Town budget, excluding the budget of the Board of Education;~~

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~~(4) Approving either a supplemental appropriation or transfer of funds in an amount that, when added to the total of all other supplemental appropriations and transfers approved within the then current fiscal year, exceeds 4.0% of the combined Town budget, excluding the budget of the Board of Education;~~

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~~(5) Approving real estate purchases by the Town for which the consideration given exceeds \$10,000;~~

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~~(6) Approving the sale or other transfer of real property by the Town for which the appraised value of the real estate that is the subject of such transaction exceeds \$10,000;~~

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~~(2)(7)~~ Approving the creation, consolidation or abolition of any permanent Town board~~Board~~,\_whether

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ected or appointed, for which this Charter does not make provision;

~~(3)(8)~~ Approving the creation or abolition of any position for an ~~ected official~~Elected Official for which this Charter does not make provision;

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~~(4) As required, approving matters or proposals that are described in Sections 1401-1901 of this Charter, and~~

~~(9) Approving the execution by the Town of any lease and/or lease option not otherwise included in the Board of Selectmen's budget, whether as lessor or lessee, which obligates the Town for a period of one year or more or which commits the Town to either make or receive lease payments of \$10,000 per fiscal year or more, and which has not otherwise been included within the Board of Selectmen's budget;~~

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~~(10) Approving the submission of an application for, or the actual participation in, any federal, state, local or private grant program not otherwise included in the budget and which requires or could require a contribution by the Town of \$50,000 per fiscal year or more in cash or in kind, except those programs for which the Board of Education properly makes such application;~~

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~~(11) Adopting or repealing any Town ordinance, except those Town ordinances subject to adoption by the sole act of the Board of Selectmen as designated by this Charter; and~~

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~~(5)(12)~~ Such other matters or proposals as the Board of Selectmen, in its discretion, shall deem to be of sufficient importance to warrant a special Town Meeting.

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C. In addition, the Board of Selectmen shall convene a Town Meeting for any proper, lawful, non-frivolous purpose upon the receipt by the Board of Selectmen of a ~~certified petition~~Certified Petition requesting such meeting signed by at least ~~3.0%~~2.0% of the total ~~electors~~Electors of the Town within 60 days prior to its presentation to the Town Clerk. The Board of Selectmen shall convene said Town Meeting no less than 20 and no more than 90 days after the date on which the petition requesting such meeting is received by the Board of Selectmen.

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**§ C-1002. Annual Budget Meeting; {Reserved}**

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~~A. The Board of Selectmen shall convene a special Town Meeting for the purpose of considering the annual combined Town budget at such hour and at such place as the Board of Selectmen may determine or as the General Statutes may~~

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~~require (the "Annual Budget Meeting"). The Chief Financial Officer, or his or her designee, as well as at least two representatives from each of the Boards of Education, Selectmen and Finance, shall be present at the Annual Budget Meeting and shall be available to respond to questions of the Town voters.~~

~~B. <sup>A</sup> At the Annual Budget Meeting, the members of the Boards of Selectmen and Education shall, with respect to their respective budgets:~~

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~~(1) <sup>A</sup> Present their proposed budget to the Town voters;~~

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~~(2) <sup>A</sup> Have available for review by the Town voters a line item comparison between such budget and the amount budgeted for such line item in the current fiscal year;~~

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~~(3) If feasible, have available for review by the Town voters a line item level comparison between such budget and the amount estimated to be actually expended for such line item in the current fiscal year; and~~

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~~(4) Have available for review by the Town voters a listing of all fiscal year to date transfers and amendments made within the current fiscal year's budget.~~

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~~C. At the Annual Budget Meeting, the Town voters may reduce, but not increase, the combined Town budget upon the passage of a proper motion (as hereafter defined). A proper motion shall:~~

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~~(1) Stipulate a specific dollar amount for reduction;~~

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~~(2) Stipulate the budget to which such reduction shall be charged;~~

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~~(3) With respect to a reduction in the budget of the Board of Selectmen, stipulate a specific line item or the specific line items to be reduced; and~~

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~~(4) With respect to a reduction in the budget of the Board of Education, only the bottom line may be reduced.~~

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~~D. If (i) the combined Town budget, as reduced by such proper motion(s), differs from that first presented by more than 2.0% or (ii) the Board of Selectmen's budget or the Board of Education's budget differs from that first presented by more than 3.0%, the Annual Budget Meeting shall be continued.~~

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~~to a second meeting held no less than two business days following the first meeting. At this second meeting, the proper motion(s) shall again be introduced to and acted upon by the Town voters in attendance. Should the proper motion(s) pass at this second meeting, the proper motion(s) shall become effective and shall be incorporated into the proposed combined Town budget.~~

~~E. The Annual Budget Meeting shall automatically be recessed to a referendum to be held on a date determined by the Annual Budget Meeting (the "Annual Budget Referendum") at the conclusion of the Annual Budget Meeting, at which the combined Town budget, as recommended by the Annual Budget Meeting, shall be presented to the Town voters for final approval or disapproval.~~

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#### § C-1003. PP procedure.

All Town Meetings shall be called in accordance with the General Statutes by resolution of the Board of Selectmen fixing the time and place of said meeting. Notice of said meeting shall be given at least five days in advance ~~in accordance with the General Statutes by publication in a newspaper of general circulation within the Town~~ and by posting a notice in an exterior place near the office of the Town Clerk. The first item of business at such meeting shall be the election of a moderator from ~~among amongst~~ those in attendance; the First Selectman shall preside over such meeting until the moderator is so chosen. All Town Meetings may be recessed and reconvened at a later date and/or a different location upon the passage of a proper motion to do so.

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**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013**

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**/THE CHARTER / ARTICLE XI, The Annual Budget Referendum and Special Referendums**

**ARTICLE XI, The Annual Budget Referendum and Special Referendums**  
**Special Referenda and Special Budget Referenda**

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**§ C-1101. The Annual Budget Referendum (Reserved);**

~~The Annual Budget Referendum is a form of referendum and shall be held on such date as determined by the Annual Budget Meeting. A minimum of two questions shall appear on the ballot for the Annual Budget Referendum. The first question shall require a vote of "Yes" or "No" on whether to approve the budget of the Board of Selectmen (including debt service and capital expenditure budgets) as recommended by the Annual Budget Meeting. The second question shall require a vote of "Yes" or "No" on whether to approve the budget of the Board of Education as recommended by the Annual Budget Meeting. The Board of Finance may, at its discretion, also direct that an advisory question appear on the ballot for either or both budgets. Such advisory question(s) shall require a response of either "Too High" or "Too Low" to describe the proposed level of spending.~~

**§ C-1102. Special Budget Referendums.**

~~The Board of Selectmen shall call a Special Budget Referendum for approval of any supplemental appropriation for any Town department which, together with the sum of any other supplemental appropriations approved for said Town department, exceeds 1.0% of the combined Town budget, excluding the budget of the Board of Education. No such referendum shall be called without first obtaining the recommendation of the Board of Finance on such appropriation.~~

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**§ C-11023. Special referendums**  
**Referenda.**

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A. Any action taken at any Town Meeting may be subject to review by ~~a referendum~~ (a "special referendum"). The Board of Selectmen shall call such a special referendum if, within 30 days from the date of the Town Meeting at which the contested action was taken, the Board of Selectmen receives a ~~certified petition~~ Certified Petition requesting ~~a special~~ such referendum signed by at least 5.0% of the total electors of the Town. The Board of Selectmen shall call said special referendum no less than five and no more than 20 days after the date on which the petition is certified in accordance with this Charter.

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B. The only question(s) which shall be presented at such special referendum shall be whether to ratify or overrule the action(s) of that particular Town Meeting. All questions so presented shall be phrased such that a vote of "Yes" shall indicate approval of the action(s) of the Town Meeting and a vote of "No" shall indicate disapproval of the action(s) of the Town Meeting.

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C. Any action taken at any Town Meeting that is approved at the Annual Budget Referendum shall be considered conclusively approved, and no further Town Meetings or special referenda regarding the specific action may be called.

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**§ C-1103. Special Budget Referenda.**

As described in Sections 1101c-1101e of this Charter, the Board of Selectmen shall call a "special budget referendum" for approval of certain matters or proposals. The Board of Selectmen shall not be required to hold a Town Meeting prior to special budget referenda.

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**§ C-1104. Recount of Annual Budget Referendum or special referendums Special Referenda and Special Budget Referenda.**

Recounts of the Should the vote votes cast at either the Annual Budget Referendum or a special referendum referenda and special budget referenda shall be pursuant to provisions in any applicable General Statutes. be decided by a margin of less than 2.0% of those electors who cast votes, the vote shall be subject to recount upon the petition of any of the Town voters. During the pendency of such recount, the Town shall may not take any action whatsoever in reliance upon the outcome of the initial vote count.

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**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013 /THE CHARTER/ ARTICLE XII, Town Departments and Administration**

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**ARTICLE XIIA, Town Departments and Administration Annual Budget Meeting**

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**§ C-1201101a. Town departments Annual Budget Meeting.**

A. The Board of Selectmen shall convene a special Town Meeting (the "Annual Budget Meeting") for the purpose of considering the annual Combined Budget at such hour and at such place as the Board of Selectmen may determine or as the General Statutes may require. The Town's Chief Financial Officer, or his or her designee, as well as at least two representatives from each of the Boards of Education, Selectmen (one being the First Selectman, or his or her designee in extenuating circumstances) and Finance, shall be present at the Annual Budget Meeting and shall be available to respond to questions of the Town Voters.

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B. At the Annual Budget Meeting, the members of the Boards of Selectmen and Education shall, with respect to their respective budgets:

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- Provide their proposed budget to the Town Voters;
- Have available for review by the Town Voters a summary of each department's proposed budget with a comparison to the amount budgeted in the current fiscal year;
- If feasible, have available for review by the Town Voters a summary of each department's proposed budget and the amount estimated to be actually expended in the current fiscal year.

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C. At the Annual Budget Meeting, the Town Voters in attendance may reduce, but not increase, the Board of Selectmen Budget and/or the Board of Education Budget upon the passage of a proper motion(s) (as hereafter defined). A proper motion shall:

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(1) Stipulate a specific dollar amount for reduction;

(2) Stipulate the budget to which such reduction shall be charged (either the Board of Selectmen or the Board of Education budget);

(3) In the case of the Board of Selectmen Budget, the specific department's budget to be reduced must be stipulated. Reductions may not be made to the capital expenditures or debt service line items of the budget.

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(4) In the case of the Board of Education Budget, only the bottom line may be reduced.

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D. If the Board of Selectmen's Budget excluding capital expenditures and debt service, or the Board of Education Budget differs from that first presented by an amount equal to or in excess of 1.0%, the Annual Budget Meeting shall be continued to a second meeting held no less than two business days following the first meeting. At this second meeting, the proper motion(s) shall again be introduced to and acted upon by the Town Voters in attendance. Should the proper motion(s) pass at this second meeting, the proper motion(s) shall become effective and shall be incorporated into the proposed Combined Budget.

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E. The Annual Budget Meeting shall be automatically continued to the Annual Budget Referendum, at which the budgets of the Board of Selectmen and the Board of Education as recommended by the Annual Budget Meeting, shall be presented to the Town Voters for final approval or disapproval.

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The Town shall have the following Town departments and such other Town departments as may exist at the time of the adoption of this Charter or that may be created pursuant to the provisions of this Charter:

A. — A Department of Finance;

B. — A Department of Public Works;

C. — A Department of Planning and Zoning; D.

— A Department of Public Health;

E. — A Department of Parks and Recreation;

F. — A Department of Code Administration; and

G. — A Department of Engineering.

**§ C-1202. The Department of Finance.**

~~A. The Department of Finance shall be responsible for maintaining all budgets, accounts and financial records of the Town, including those of the Board of Education. The Department of Finance shall have administrative oversight over all budget accounts and shall be responsible for the disbursement of all monies therefrom. The Department of Finance shall keep records of all financial transactions for the Town, including those of the Board of Education, and shall perform such other duties as deemed necessary by the Board or Finance, the Board of Education or the Superintendent of Schools for the sound administration of their respective budgets. Notwithstanding the foregoing, both the Board of Selectmen and Board of Education shall at all times remain in control of their respective~~

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~~budgets. Additionally, in no way shall the Department of Finance or any provision of this Chapter be deemed to abrogate the ability of the Board of Education or the Board of Selectmen to maintain separate administrative oversight of its respective budget.~~

~~B. The Department of Finance shall consist of the Chief Financial Officer, who shall be the department head, and such other personnel as deemed necessary by the Board of Selectmen.~~

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~~C. The Board of Selectmen and the Board of Education shall jointly hire the Chief Financial Officer, who shall possess the appropriate practical and technical qualifications for the office. The Chief Financial Officer shall be responsible to the Board of Selectmen and the Board of Education and shall supervise the Department of Finance. The Chief Financial Officer shall also have the additional responsibility of coordinating all purchases for the Town, including those of the Board of Education, and reviewing all fiscal requests to determine budgetary compliance. At least once each month, the Chief Financial Officer shall prepare and present financial statements to the Boards of Education and Finance, together with cost reports and statements of receipts, as each board shall deem necessary to understand their respective budgets.~~

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~~§ C-1203. The Department of Public Works.~~

~~A. The Department of Public Works shall be responsible for:~~

~~(1) The inspection and construction, reconstruction, care, maintenance, altering, paving, repairing, draining, cleaning and snow clearance of all public places and of all streets, highways, sidewalks and curbs, and of the installation and maintenance of all public lighting, street signs, guideposts and public utilities;~~

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~~(2) The construction, reconstruction, care, repair and maintenance of all public works and public improvements, except those under the jurisdiction of the Department of Parks and Recreation;~~

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~~(3) The maintenance, care and improvement of, and construction required in connection with, all public works and public improvements of the Town;~~

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~~(4) The improvement, repair and maintenance of all equipment, including automotive equipment, used in the Department of Public Works or in any other department, including police, fire and, upon request, school equipment; and~~

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~~(5) The inspection and construction, reconstruction, care, maintenance and operation of all services provided in the Sewer and Water District.~~

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~~B. The Department of Public Works shall consist of the Director of Public Works, who shall be the department head, and such other personnel as is deemed necessary by the Board of Selectmen. The Department of Public Works may delegate such responsibilities to other Town departments as necessary for the efficient and effective maintenance of Town facilities.~~

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**§ C-1204. The Department of Planning and Zoning.**

- A. The Department of Planning and Zoning shall administer the planning and zoning regulations of the Town, as well as any federal or state laws regarding land use.
- B. The Department of Planning and Zoning shall consist of the Director of Planning, who shall be the department head, and such other personnel as is deemed necessary by the Board of Selectmen.

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**§ C-1205. The Department of Public Health.**

- A. The Department of Public Health shall carry out the functions of community health assessment, public health policy development, and public health assurance. The Department may fulfill these responsibilities either directly or regionally, through affiliations and other formal arrangements with other community agencies and institutions. The Department of Public Health shall meet all minimum standards set forth in the General Statutes, the public health code, and in state regulations.
- B. The Department of Public Health shall consist of the Director of Public Health, who shall be the department head, and such other personnel as is deemed necessary by the Board of Selectmen.

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**§ C-1206. The Department of Parks and Recreation.**

- A. The Department of Parks and Recreation shall be responsible for the planning, conducting and supervising of recreation programs and activities. In addition, the Department of Parks and Recreation shall be responsible for:
  - (1) The operation, maintenance and management of all parks and recreational facilities of the Town;
  - (2) The development of plans and coordination of the design of parks and recreational facilities;
  - (3) The maintenance of such other public grounds as may be designated by the Board of Selectmen; and
  - (4) The maintenance of grounds and recreational fields subject to the control of the Board of Education, as may be requested by the Board of Education.
- B. The Department of Parks and Recreation shall consist of the Director of Parks and Recreation, who shall be the department head, and such other personnel as is deemed necessary by the Board of Selectmen.

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**§ C-1207. The Department of Code Administration.**

- A. The Department of Code Administration shall administer and enforce all relevant and applicable local, state, and federal codes, rules and regulations pertaining to development, building, zoning, and

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all other matters as prescribed by the Board of Selectmen, the General Statutes of this State and the Charter for Windows

B. The Department of Code Administration shall consist of the Director of Code Administration, who shall be the department head, and such other personnel as is deemed necessary by the Board of Selectmen.

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**§ C-1208. The Department of Engineering.**

A. The Department of Engineering shall be responsible for, and shall make or shall supervise the making of, all surveys, maps, plans, drawings, bids and estimates thereon relating to the work of the Town or any Town department, including, when requested, the Board of Education. The Town Engineer shall have custody and control of all maps of the Town not entrusted either by the General Statutes, by ordinance or by this Charter to any other Town department and shall perform such other duties as the Board of Selectmen may determine. The Department of Engineering, in conjunction with the Director of Public Works, shall provide technical advice to all Town officials and Town boards concerning the physical matters of the Town and the design and construction of its physical plant. The Department of Engineering shall be responsible for the review of all site plans, site designs and other documents and plans required by land use boards and officials of the Town.

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B. The Department of Engineering shall consist of the Director of Engineering, who shall be the department head, and such other personnel as is deemed necessary by the Board of Selectmen.

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**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013 / THE CHARTER / ARTICLE XIII, Town Employees and Appointed Officials**

**ARTICLE XIII, Town Employees and Appointed Officials The Annual Budget Referendum**

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**§ C-1301101b. Town employees and appointed officials The Annual Budget Referendum.**

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The appointment and dismissal of all Town employees, except those who are elected or are under the jurisdiction of the Board of Police Commissioners, shall be made by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government. All appointments shall be made on the basis of merit and after examination of qualifications. The Board of Selectmen shall neither appoint nor dismiss Town employees associated with fire protection services except as recommended by the Fire Chief. Before the appointment or dismissal of any Town employee, the Board of Selectmen shall consult with the board, department or individual to whom the services of such employee are to be or have been rendered. The Annual Budget Referendum shall be held on such date as determined by the Annual Budget Meeting. A minimum of two questions shall appear on the ballot for the Annual Budget Referendum. The first question shall require a vote of "Yes" or "No" on whether to approve the Board of Selectmen Budget (Including debt service and capital expenditure budgets) as recommended by the Annual Budget Meeting. The second question shall require a vote of "Yes" or "No" on whether to approve the Board of Education Budget as recommended by the Annual Budget Meeting. The Board of Finance may, at its discretion, also direct that an advisory question appear on the ballot for either or both budgets. Such advisory question(s) shall require a response of either "Too High" or

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“Too Low” to describe the proposed level of spending.

Any action taken at the Annual Budget Meeting that is approved at the Annual Budget Referendum shall be considered conclusively approved, and no further Town Meetings or referenda regarding the specific action may be called.

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**§ C-1102b Recount of Annual Budget Referendum**

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Recounts of the votes cast at the Annual Budget Referendum shall be pursuant to any applicable provisions in the General Statutes.

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**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013  
/ THE CHARTER / ARTICLE XIV, Mandatory Periodic Charter Review**

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**ARTICLE XIcV, Mandatory Periodic Charter Review Real Estate Purchases, Sales and Transfers**

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**§ C-1401101c. Charter Review Commission Real Estate Purchases, Sales and Transfers.**

A. Not less than once each 10 years, the Board of Selectmen shall appoint a temporary charter review commission (the "Charter Review Commission"). The Charter Review Commission shall review all provisions of the Charter and Town ordinances then in effect and as the Charter Review Commission deems necessary, shall meet with relevant department heads and members of government, and shall solicit citizens' comments on the effectiveness of this Charter and Town ordinances and the need, if any, to amend, modify or repeal sections of this Charter or any Town ordinance. Within a time period as set by the Board of Selectmen, the members of the Charter Review Commission shall recommend to the Board of Selectmen either to maintain the Charter and Town ordinances then in effect or to amend, modify or repeal certain sections of this Charter or any Town ordinance. Should the Charter Review Commission recommend revisions, the Board of Selectmen may, in accordance with the General Statutes, appoint a charter revision commission to draft the revised Charter and/or Town ordinances and coordinate the approval and adoption process. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:

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- (1) Approving real property purchases by the Town not previously budgeted for by the Town, for which the consideration given is an amount equal to or in excess of 2.0% of the Board of Selectmen Budget, excluding debt service and capital expenditures;
- (2) Approving the sale or other transfer of real property by the Town for which the appraised value of the real property that is the subject of such transaction is an amount equal to or in excess of 2.0% of the Board of Selectmen Budget, excluding debt service and capital expenditures.

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B. If the thresholds outlined above are not met such that a Town Meeting is required, the Board of Finance has the authority to approve real estate purchases and transfers following recommendation by the Board of Selectmen. This Charter may be amended at any time upon petition of the electors, as more fully described in the

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General Statutes.

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**CODE OF THE TOWN OF COLCHESTER, CONNECTICUT, v16 Updated 04-01-2013 / THE CHARTER / ARTICLE XV, Miscellaneous Provisions**

**ARTICLE XVId, Miscellaneous Provisions Leases**

§ C-150+1101d.  
Consolidation Leases.

A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:

(1) Approving the execution by the Town, whether as lessor or lessee, of any capital lease option with a non-appropriation clause not previously budgeted for by the Town which obligates the Town for a period of one year or more and commits the Town to either make or receive lease payments for capital equipment with a purchase price that is an amount equal to or in excess of 2.0% of the Board of Selectmen Budget excluding debt service and capital expenditures.

B. If the thresholds outlined above are not met such that a Town Meeting is required, the Board of Finance has the authority to approve leases following recommendation by the Board of Selectmen.

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**ARTICLE XIe, Bonds**

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§ C-1101e. Bonds.

A. The Board of Selectmen shall call a special budget referendum to consider the approval of the issuance of all bonds. No such referendum shall be called unless the Board of Finance has recommended such bond issue. Refunding of an existing bond issue does not require a special budget referendum.

~~Without further action, and unless otherwise specifically provided in this Charter, the Town shall succeed to all rights, titles, estate and privileges of the former Borough of Colchester. In no event shall any provision of this Charter be construed in any way to change, modify, repeal, amend or otherwise affect the consolidation of the Borough and the Town of Colchester as one and the same body politic and corporate under the name "Town of Colchester," as approved at a duly called election on November 7, 1989 and as effective on July 1, 1990.~~

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**ARTICLE XI f, Budget Transfers**

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§ C-1101f. Budget Transfers.

A. The First Selectman may authorize transfers of funds between Town departments required to handle immediate matters of public safety such as fire, weather emergencies, or similar events. The First Selectman shall notify the Board of Finance and Selectmen at their next regular meetings.

B. The First Selectman and Chief Financial Officer shall approve all transfers from salary or benefit line items within a Town Department budget.

C. Following recommendation by the Board of Selectmen, the Board of Finance has the authority to approve the transfer of funds between previously adopted Town Department budgets.

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## ARTICLE XIg, Supplemental Appropriations

### § C-110I. Supplemental Appropriations.

- A. The First Selectman may authorize supplemental appropriations required to handle matters of immediate public safety such as fire, weather emergencies, respective or similar events. The First Selectman shall notify Boards of Finance and Selectmen at their next regular meetings.
- B. The Board of Finance has the authority to approve supplemental appropriations in an amount that is less than 2.0% of the budget to which the supplemental appropriation is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget).
- C. The Board of Selectmen shall call a Town Meeting to consider the approval of any supplemental appropriation in an amount that is equal to or exceeds 2.0% and less than 3.0% of the budget to which the supplemental appropriation is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget). No such Town Meeting shall be called unless the Board of Finance has recommended such supplemental appropriation. This requirement does not pertain to appropriations of grant monies or matching funds received by the Town.
- D. The Board of Selectmen shall call a Special Budget Referendum for approval of any supplemental appropriation for any Town Department in an amount that is equal to or exceeds 3.0% of the budget to which the transfer is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget). No such referendum shall be called unless the Board of Finance recommends such supplemental appropriation. The requirement does not pertain to appropriations of grant monies or matching funds received by the Town.

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## ARTICLE XIh, Grant Programs

### § C-110Ih. Grant Programs.

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting to approve the submission of an application for, or the actual participation in, any federal, state, local or private grant program which requires or could require a contribution by the Town in an amount that is equal to or in excess of 3.0% of the Board of Selectmen Budget, excluding debt service and capital expenditures, over the lifetime of the project (excluding monies received from outside grant sources and matching funds). Programs for which the Board of Education properly makes such application are excluded from the requirements of this section.
- (+) B. Regarding the distribution of funds (grant awards and matching funds) from outside sources for grant projects, the procedures for budget transfers and appropriations outlined in Sections 1101f and 1101g of this Charter are not required.

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C. Regarding the distribution of funds for approved grant projects, the procedures for budget transfers and appropriations outlined in Sections 1101f and 1101g of this Charter are not required. If a supplemental appropriation or transfer of funds is required to cover expenditures in excess of the previously approved amount, the procedures outlined in Sections 1101f and 1101g of this Charter are to be followed.

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## ARTICLE XII, Town Departments and Administration

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### § C-1201. Town Departments

The Town shall have the following Town Departments and such other Town Departments as may exist at the time or the adoption of this Charter or that may be created pursuant to the provisions of this Charter or the General Statutes:

A. A Department of Finance;

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B. A Department of Public Works;

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C. A Department of Planning and Zoning;

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D. A Department of Public Health;

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E. A Department of Recreation;

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F. A Department of Code Administration;

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G. A Department of Engineering;

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H. Cragin Town Library; and

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I. A Department of Senior Services

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§ C-1202. {Reserved}

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§ C-1203. {Reserved}

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§ C-1204. {Reserved}

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§ C-1205. {Reserved}

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§ C-1206. {Reserved}

§ C-1207. {Reserved}

§ C-1208. {Reserved}

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### ARTICLE XIII, Town Employees and Appointed Officials

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§ C-1301. Town employees and appointed officials.

The appointment and dismissal of all Town employees shall be made by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government. All appointments shall be made on the basis of merit and after examination of qualifications. The Board of Selectmen shall neither appoint nor dismiss Town employees associated with fire protection services except as recommended by the Fire Chief. Before the appointment or dismissal of any Town employee, the Board of Selectmen shall consult with the board, department or individual to whom the services of such employee are to be or have been rendered.

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### ARTICLE XIV, Mandatory Periodic Charter Review

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§ C-1401. Charter Review Commission.

- A. Not less than once each 10 years, the Board of Selectmen shall appoint a temporary charter review commission (the "Charter Review Commission"). The Charter Review Commission shall review all provisions of the Charter and Town ordinances then in effect and as the Charter Review Commission deems necessary, shall meet with relevant department heads and members of government, and shall solicit citizens' comments on the effectiveness of this Charter and Town ordinances and the need, if any, to amend, modify or repeal sections of this Charter or any Town ordinance. Within a time period as set by the Board of Selectmen, the members of the Charter Review Commission shall recommend to the Board of Selectmen either to maintain the Charter and Town ordinances then in effect or to amend, modify or repeal certain sections of this Charter or any Town ordinance. Should the Charter Review Commission recommend revisions, the Board of Selectmen may, in accordance with the General Statutes, appoint a charter revision commission to draft the revised Charter and/or Town ordinances and coordinate the approval and adoption process.
- B. This Charter may be amended at any time upon petition of the electors, as more fully described in the General Statutes.

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### ARTICLE XV, Miscellaneous Provisions

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**§ C-1501. Consolidation.**

Without further action, and unless otherwise specifically provided in this Charter, the Town shall succeed to all rights, titles, estate and privileges of the former Borough of Colchester. In no event shall any provision of this Charter be construed in any way to change, modify, repeal, amend or otherwise affect the consolidation of the Borough and the Town of Colchester as one and the same body politic and corporate under the name "Town of Colchester," as approved at a duly called election on November 7, 1989 and as effective on July 1, 1990.

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**§ C-1502. [Reserved]**

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**§ C-1502. Existing laws and ordinances.**

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~~A. All general laws applicable to the Town shall continue in full force and effect except as they are inconsistent with the provisions of this Charter.~~

B. All Town ordinances shall remain in full force and effect, including, but not limited to:

Chapter 7, Article I — Liquor  
Chapter 7, Article II — Alcoholic Beverages at Town Recreational Facility  
Chapter 10, Article I — Canine Control Ordinance Chapter 11 — Anniversary Celebration  
Chapter 14 — Bazaars and Raffles  
Chapter 18, Article I — Zoning and Planning Commission and Zoning Board of Appeals  
Chapter 18, Article II — Economic Development Commission Chapter 18, Article III — Parks and Recreation Commission Chapter 18, Article IV — Development Agency  
Chapter 18, Article V — Commission of Aging  
Chapter 18, Article VI — Flood and Erosion Control Board  
Chapter 18, Article VII — Fair Rent Commission  
Chapter 18, Article VIII — Police Commission  
Chapter 18, Article IX — Regional Council of Governments Chapter 21 — Bond Issue and Temporary Borrowing Chapter 24, Article I — Building Code  
Chapter 24, Article II — Building Permits in Unapproved Subdivisions  
Chapter 24, Article III — Building Permits and Fee Schedule  
Chapter 27, Article I — Demolition Ordinance  
Chapter 30 — Dangerous Building Ordinance  
Chapter 39, Article I — Conservation Commission  
Chapter 39, Article II — Inland Wetlands and Watercourses Chapter 39, Article III — Conservation Commission Alternates Chapter 46, Article I — Board of Education  
Chapter 46, Article II — Board of Education, Election of Chapter 49 — Emergency Communications Chapter 58 — Fire Lane Ordinance  
Chapter 60 — Uniform Fiscal Year<sup>(1)</sup>  
Chapter 64 — Flood Insurance Ordinance  
Chapter 67 — Inspection of Public Food Service Establishments  
Chapter 74 — Historic District Ordinance Chapter 77 — Housing Partnership Chapter 81 — Cragin Memorial Library Chapter 90, Article I — Social Security  
Chapter 98 — Street Vendors Chapter 105 — Town Report Chapter 109 — Road Ordinance  
Chapter 120, Article I — Septic Tank Pumping Disposal Ordinance  
Chapter 120, Article II — Recycling

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Chapter	Litter Ordinance		
Chapter	Street Numbering System		
Chapter	Sidewalk Ordinance		
Chapter	Sidewalk Maintenance		
Chapter	List of Unpaid Taxes and		
Chapter	Tax Collector's Report		
Chapter	Solar Energy Ordinance		
Chapter	Ambulance Type	E	f
129,	Motor Vehicles	x	f

- Chapter 129, Article V Tax Abatement on Structures of Historic or Architectural Merit
- Chapter 133—Tourism Development Ordinance
- Chapter 139—Trailer Ordinance
- Chapter 144, Article I—Parking Ban Ordinance
- Chapter 144, Article I—Parking Ban Ordinance for Snow Chapter 144, Article II Parking Regulation Ordinance Chapter 150, Article I—Water Conservation

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§ C-1503. Commencement of terms of ~~elected officials~~ **Elected Officials**.

The terms of all ~~elected officials~~ **Elected Officials** shall commence on the second Monday following the date of the applicable ~~municipal election~~ **Municipal Election**. All ~~elected officials~~ **Elected Officials** shall hold office until either their successors are elected and qualified or they resign from such office.

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§ C-1504. Minority political representation.

All ~~appointed boards~~ **Appointed Boards** and ~~elected boards~~ **Elected Boards** shall have minority political representation in accordance with the General Statutes, except that the minority political representation may be larger than that required by statute if specifically provided in the Charter or by any bylaw or Town ordinance.

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§ C-1505. Appointment of Justices of the Peace.

The major political parties, as defined in the General Statutes, shall each be entitled to nominate no more than 40 individuals to serve as Justices of the Peace for the Town.

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§ C-1506. ~~Quarterly meeting.~~ **{Reserved}**

~~At least once each quarter, the First Selectman shall meet with all elected officials, appointed officials,~~

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~~elected boards and members of appointed boards. Town boards may send representative(s) from their membership to such meetings in lieu of attendance by all board members.~~

§ C-1507. Transfer of power.

All commissions, boards, departments and offices which are either abolished or modified by this Charter, or any amendment thereto, shall continue to hold their respective duties and powers until such time as provision shall have been made for either the transfer or the modification of these duties and powers in accordance with the terms of this Charter or any amendment thereto. All members of appointed and ~~elected-boards~~Elected Boards whose positions are either abolished or modified by this Charter, or any amendment thereto, shall continue to hold their respective duties and powers until such time as provision shall have been made for either the transfer or modification of these duties and powers in accordance with the terms of this Charter or any amendment thereto.

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§ C-1508. Continuation of appropriations and Town funds.

All appropriations approved and in force, and all funds, including special and reserve funds, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished in accordance with the terms of this Charter.

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§ C-1509. 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 commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by any provision of this Charter.

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§ C-1510. Savings clause.

If either any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall affect neither the remainder of this Charter nor the context in which the section so held invalid may appear.

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§ C-1511. Effective date.

The Charter that was effective as of July 1, 1995 shall remain in full force and effect. Any amendments thereto shall be effective on the effective date provided therein.

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