

**Proposed Reorganized
NEWTOWN CHARTER
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DRAFT FOR DISCUSSION

**CHAPTER TWO – MEMBERSHIP, RULES, AND DUTIES FOR NEWTOWN OFFICES
(PRELIMINARY)**

2-01 General

(a) The rules contained in the current edition of Robert’s Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with this Charter any and special rules of order that may be adopted.

(b) All elected and appointive boards and commissions may make rules for the conduct of their meetings and the manner for accomplishing their duties. Such rules shall be filed with the Town Clerk. **Formerly portions of 4-30(b), 3-20(c), 4-50(d), 4-60(c), 4-60(i), 2-70(b), 2-110(b)(1) – language merged.**

(c) The First Selectman shall be an ex officio member of all boards and commissions and of the Legislative Council, but without vote and not counted for the purpose of having a quorum except as a member of the Board of Selectmen. The First Selectman shall be given reasonable notice of all meetings of boards and commissions by their Chairmen or Secretaries, and may in writing appoint another member of the Board of Selectmen to represent him or her at any meeting of such boards or commissions. **Formerly 3-10(e).**

(d) All elective and appointive officers, before they enter on their duties, shall take the oath or affirmation prescribed by Article XI, Section 1 of the Constitution of the State of Connecticut, as follows: "You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States and the Constitution of the State of Connecticut, as long as you continue to be a citizen thereof, and that you will faithfully discharge, according to law, the duties of the office of _____ to the best of your abilities. So help you God." No other oath or affirmation shall be required. **Formerly 8-40.**

(a) 2-05 Eligibility

Unless otherwise specified, only resident electors of the Town shall be eligible for election to any Town office or appointment to any appointive board. Any person ceasing to be a resident elector of the Town shall thereupon cease to hold elective or appointive office in the Town and the office shall be deemed vacant. **Formerly a portion of 2-20(a) and 4-01(b), merged.**

(b) No person shall hold more than one elective office of the Town at the same time. **Formerly a portion of 2-20(a).**

(c) Any resident elector of the Town, regardless of whether they have party affiliation, may run for public office. Specifics regarding procedures for securing a position on the election ballot are available by contacting the Elections Division of the Secretary of the State's Office, the Town Clerk's Office or the Registrar of Voters' Office. **Formerly 2-20(b).**

(d) Specific rules regarding eligibility for certain offices, boards or commissions are contained in the following subsections discussing such board or commissions:

(1) **Board of Selectmen:** No member of the Board of Selectmen, while in office, hold or be appointed to any other office or employment in the government of the Town of Newtown. The First Selectman shall have no other full time employment nor hold any paid civil office under the government of the United States, the State of Connecticut, or any subdivision thereof, except that of Notary Public and Justice of the Peace. **Formerly 3-01(c), 3-01(b), merged.**

(2) **Legislative Council:** No member of the Legislative Council shall hold or be appointed to any other office, board or commission of the Town. Except as provided for in section 2-15(a), members of the Legislative Council shall reside in the district from which they were elected. **Formerly a portion of 7-10. 2-15(a) is a reference to a portion of former 2-40(a).**

Comment [JC1]: Consider striking paragraph

Comment [JC2]: Ad Hoc committees should be accommodated

Comment [JC3]: Section #????

- (3) **Police Commission:** No member of the Board of Police Commissioners shall be a member or officer of the Police Department, the Chief of Police, a special constable, or a member of any other Board or Commission. **Formerly a portion of 2-110(a).**
- (4) **Fire Commission:** Eligibility to serve on the FC is described in section 2-205(b). **2-205(b) is a reference to former 4-50(a).**
- (5) **Building Appeals Board:** Members shall be qualified by training and experience on matters pertaining to building construction. **[C4] Formerly a portion of 4-80.**
- (6) **Public Building and Site Commission:** Members shall include those who are qualified by training and experience on matters pertaining to building design, construction or contractual instruments. **[C5] Formerly a portion of 4-90(a)(1).**

Comment [JC4]: Still required?

2-10 Minority Representation

(a) Except as specifically provided in this section, the maximum number of members of any board or commission, whether elected or appointed, who are members of the same political party shall be determined in accordance with the provisions of Section 9-167a of the General Statutes, as amended. In addition, the maximum number of alternate members for any given board or commission shall also conform to the provisions of 9-167a To Wit: **Formerly 2-30(e), and portions of 4-20, 2-30(c), 2-90(b), 2-100(b), and 2-130. And for alternates: Formerly portions of 2-90(c), 2-100(c)**

Total Membership	Maximum for One Party
<u>3</u>	<u>2</u>
<u>4</u>	<u>3</u>
<u>5</u>	<u>4</u>
<u>6</u>	<u>4</u>
<u>7</u>	<u>5</u>
<u>8</u>	<u>5</u>
<u>9</u>	<u>6</u>
<u>more than 9</u>	<u>2/3rds of total membership</u>

- (b) Exceptions are as follows:
 - (1) **Legislative Council:** The number of members of any one political party who may serve on the Legislative Council shall not exceed 3 of the 4 members elected from each district. **Formerly 2-30(a).**
 - (2) **Board of Education:** At each Town Election the number of candidates of any one political party elected to serve on the Board of Education shall not exceed a bare majority of the number of candidates to be seated. **[C7] Formerly a portion of 2-30(c).**
 - (3) **Police Commission:** The number of members of any one political party who may be elected to serve on the Police Commission shall not exceed a bare majority of the whole membership of the Commission. **Formerly 2-30(d).**
 - (4) **Board of Managers of the Edmond Town Hall:** At each regular Town Election, 2 members of the Board of Managers of the Edmond Town Hall shall be elected, neither of whom may be members of the same political party. **Formerly a portion of 2-80(a).**

- (5) **Board of Fire Commissioners:** Provided members are appointed as set forth in this Charter, the Board of Fire Commissioners shall be exempt from the provisions for minority representation. **Derived from former 4-50(a).**
- (6) **Board of Ethics:** At no time shall more than 3 regular members and one alternate member of the Board of Ethics be of the same political party. **Formerly a portion of 4-60(a).**
- (7) **Public Building and Site Commission:** The Public Building and Site Commission shall have no more than 4 members and one alternate member from one political party. **Formerly a portion of 4-90(a).**
- (8) **Justices of the Peace:** The political affiliation of Justices of the Peace shall be determined as provided in the General Statutes (see section 9-183a, et seq.). **Formerly unspecified in Charter.**

2-15 Terms and Term Limits

- (a) The term of office and term limits, if any, for every elected official, elected or appointed members of boards or commissions are set forth in sections establishing said office, board or commission.
- (b) The terms of office of all elected officials shall commence on the December 1st following their election unless otherwise provided by a specific provision of this Charter or the General Statutes. Each elected official shall hold office until a successor is elected and has qualified. **Formerly 2-01(b)**
- (c) The terms of office of members of all appointive boards and commissions shall commence on January 7th except for the Trustees of the Cyrenius H. Booth Library whose terms shall commence on July 1st, or as otherwise required by law. The terms shall be established to expire, as nearly as is possible, at regularly staggered intervals, unless otherwise provided by this Charter or by the General Statutes. **Formerly 4-10(b), portions of 4-10(a), 4-110(c), merged.**

2-20 Officers of the Legislative Council, Boards, Commissions, and Committees

- (a) The First Selectman shall be the Chairman and preside over meetings of the Board of Selectmen. At the first meeting following the Town Election, the Board of Selectmen shall choose a member of the Board who shall preside, as Acting First Selectman, during the absence or disability of the First Selectman. Such person shall perform all duties of an absent or disabled First Selectman. **Formerly 3-10(b).**
- (b) **The First Selectman shall not hold office on the Legislative Council or any other Town Board or Commission.**
- (c) All other Boards, Commissions, and Committees [C15] shall elect from their number a Chair during the first meeting.¹ **Formerly portions of 4-30(b), 7-20, 2-70(b), 2-80(b).**
- (d) The members of the Legislative Council shall also elect from their number a Vice Chairman during the first meeting. **Formerly a portion of 7-20.**
- (e) All other elected and appointive boards, commissions, and committees may choose a Vice Chairman and a Secretary.² **[C16] Formerly portions of 4-30(b), and 2-70(b).**

Comment [JC5]: Should we break this off into a separate section.

Comment [JC6]: Standard to be decided.

Comment [JC7]: Better language

Comment [JC8]: Move this to 1-50 "as the Board may designate by resolution or regulation"

Comment [JC9]: This may belong elsewhere.

2-25 Voting

¹ NEW TEXT: Election of a Chair has been extended to all boards/commissions.
² NEW TEXT: Election of a Vice-Chair has been permissively extended to all boards/commissions.

It shall be the duty of every member present at a Legislative Council, Board or Commission meeting to vote affirmatively or negatively on each question raised. Should a member have a conflict of interest, said member shall refrain from discussion and voting. The reason for the conflict of interest need not be stated nor made part of the record. **Formerly 1-60.**

2-30 Vacancies on the Legislative Council, Town Boards and Commissions

- (a) A vacancy shall be created in the event that any one of the following occur: the death of a member; the resignation submitted by a member and filed with the Town Clerk, who shall immediately notify the Chair of the affected council, board or commission; a member ceases to meet the eligibility requirements as described in section 2-05; or for appointive boards, a member is removed for cause. The vacancy shall take effect on the date of such event.³ **Formerly portions of 2-20(a) and 2-40(a).**
- (b) Should a member of the Legislative Council move from one district to another, such a move shall not constitute the creation of a vacancy provided that the said member otherwise remains eligible for Town office. Should the member's seat become vacated subsequent to such move, the vacancy shall be filled by a member appointed from the district from which the member was originally elected. **Formerly a portion of 2-40(a).**
- (c) If a person vacating an elective board or commission shall have been elected as a member of a political party, the vacancy shall be filled by a member of the same political party. **Formerly 2-30(f).**
- (d) If a person vacating an appointive board was appointed as a member of a political party, the vacancy shall be filled by a member of the same political party or by an unaffiliated resident elector. If the newly appointed member is an unaffiliated elector and must vacate his appointment, the person appointed to fill such a vacancy must be either an unaffiliated elector or a member of the same political party as the person initially appointed. **Formerly 4-20.**
- (e) All vacancies in elective office shall be filled at the next Town election except where prohibited by the General Statutes. The person appointed to fill a vacancy in an elective office shall serve only until a successor is elected to fill the vacancy and has qualified. **Formerly 2-40(f).**

2-31 Procedures for Filling Vacancies in Elected Boards and Commissions [\[C12\]](#)

- (a) **Legislative Council:** A vacancy or vacancies on the Legislative Council shall be filled for the remainder of the term from among eligible electors in the district of the former member as follows:
- (1) Within 30 days of vacancy, by majority vote of the Legislative Council members of the same political party of the former member;
 - (2) After 30 days, by majority vote of the remaining members of the Legislative Council regardless of party affiliation.
 - (3) Should all seats on the Council be simultaneously vacant, then a special election shall be called to fill all seats.

Formerly a portion of 2-40(a).

- (b) **Board of Selectmen:** A vacancy or vacancies on the Board of Selectmen shall be filled in the manner prescribed by the General Statutes Section 9-222 [\[C13\]](#). **Formerly 2-40(b).**

³ NEW TEXT: In current charter, definition of vacancy supplied only for Legislative Council. Here, that definition – broadened to include removal for cause for appointive boards – has been extended to all boards/commissions.

(c) **Board of Education, Board of Managers of Edmond Town Hall:** A vacancy or vacancies on the Board of Education or the Board of Managers of the Edmond Town Hall shall be filled as follows:

- (1) Within 30 days of vacancy, by a vote of a majority of the authorized membership of the Board;
- (2) From 31 to 60 days of vacancy, by appointment of the First Selectman with the approval of the Board of Selectmen;
- (3) Should the number of vacancies leave less than a majority of the authorized membership, the First Selectman with the approval of the Board of Selectmen, within 30 days, shall fill all existing vacancies.

Formerly 2-40(c), 2-40(d).

(d) ~~Subject to the limitations of subsections (a), (b), (c) and (d) of this section.~~ For all other elected boards and commissions, the First Selectman, with the approval of the Board of Selectmen, shall fill by appointment a vacancy in any other elective Town office within 60 days from the time that the office becomes vacant. **Formerly 2-40(e).**

Comment [JC10]: Consider changing this as part of the charge item # 8.

Comment [JC11]: Consider changing as part as charge item #8

2-32 Procedures for Filling Vacancies in Appointive Boards and Commissions

(a) Vacancies in offices originally appointed by the First Selectman shall be filled as follows:

- (1) within 45 days by the First Selectman, with the approval of the Board of Selectmen, or
- (2) after 45 days by the remaining members of such board or commission subject to the provisions of Sections 2-05 and 2-10 of this Charter.

Formerly 4-10(c) and portions of 4-01(a) and 4-110(d).

(b) 2. A First Selectman whose position as First Selectman will end as a result of not being re-elected the office shall not make appointments from the date of the Town Election to the end of his/her term. The period from the Town Election to the beginning of the next term shall not be counted in the 45 days referred to above. **Formerly a portion of 4-01(a).**

Comment [JC12]: Add cross reference 2-32

(c) All vacancies in the Cyrenius H. Booth Library Board of Trustees other than those filled seats originally appointed by the First Selectman shall be filled in accordance with the by-laws of the Library Board of Trustees. **Formerly 4-110d**

(d) Vacancies in the Board of Fire Commissioners shall be filled in accordance with Section 2-205 of this Charter. **Formerly a portion of 4-50(a)**

Comment [JC13]: XREF

2-34 Use of Alternates

- (a) In the absence of one or more regular members and alternate members exist; present regular members of the Commission shall designate alternate(s) to act in the absent members' place. Alternates shall be chosen in rotation so that they shall act as nearly equal a number of times as possible.

2-35 Removal for Cause

- (a) A member of an appointive board or the Town Assessor or Tax Collector may be removed for cause by the First Selectman with the approval of the Board of Selectmen. **Formerly 4-40(a).**
- (b) The First Selectman, with the approval of the Board of Selectmen, shall adopt a personnel policy establishing procedures, consistent with due process, for removal for cause. **Formerly 4-40(b).**

(c) Within 30 days from such removal, any person so removed may, in writing, request a hearing before the Legislative Council. Such hearing shall be held within 15 days from the date such request is made and such person may appear at the hearing with counsel. After such hearing, the decision of the Board of Selectmen may be reversed, modified or upheld by said Legislative Council, provided said Legislative Council acts no later than 30 days after the conclusion of such hearing. **Formerly 4-40(c).**

2-40 Compensation

- (a) The Town Clerk shall receive a salary in lieu of all fees and other compensation **formerly 2-120(b).** The Town Clerk's salary shall be set from time to time by the Legislative council.
- (b) The Registrars of Voters shall receive a salary as set from time to time by the Board of Selectmen.
- (c) The salary for the First Selectman's term shall be set by the Legislative Council during the budget making process of each odd numbered year. The salary may be fixed at different rates for each year of the term. The salary shall not be changed during the term of office. **Formerly 3-10(c).**
- (d) The members of elected and appointed boards and commissions, except the First Selectman, shall serve without compensation. Necessary expenses incurred in the performance of their duties may be paid from an appropriation authorized for the purpose. **Formerly 4-30(c) and a portion of 7-10, merged.**

2-45 Administrative Clerks

- (a) All Boards, Commissions, and Committees that are required to submit minutes, shall have a Clerk provided by the Town. The clerk shall not be a member of such Town Body or Committee. Such clerks, as authorized by this Charter, shall keep minutes of meetings, record all motions, votes and actions of their assigned Town Body, prepare the agenda and notices of all regular and special meetings or cancellation of said body at the direction of its Chairman and perform such other duties as such Chairman, from time to time, shall direct. ⁴ **Formerly 3-40, 7-30, 2-80(b).**

2-100 Elected Boards, Commissions, and Officers

There shall be the following elected boards, commissions, and officers.

2-105 Legislative Council

- (a) Summary of General Responsibilities: All of the legislative powers of the Town conferred by the Connecticut General Statutes on Legislative Bodies shall vest in the Legislative Council with the exception of those items specifically enumerated to other bodies. The Council determines the annual Budget appropriations [ref to budget] and considers special and emergency appropriations [ref to special appropriation] subject to town meeting or referendum as provided by the terms of this charter. The Legislative Council shall have the power to enact amend or repeal ordinances. **Formerly a portion of 1-40, and derivation of key responsibilities in section six.**
- (b) Membership: The Legislative Council shall consist of 12 members serving two year terms, 4 of whom shall be elected from each of 3 Legislative Council districts as nearly equal in population size as is practicable, established in accordance with Section [tbd]) of this Charter. **Formerly portions of 7-10 and 2-50.**
- (c) The Legislative Council, from time to time, may adopt rules of procedure to govern its functions not inconsistent with the requirements of this Charter, provided

Comment [JC14]: Per Town Council. We may want to suggest an ordinance is written to define the process per CGS Sec. 7-34b.

Comment [JC15]: Sec. 9-55a. Compensation of registrars, clerks and other personnel. For the performance of the duties imposed by sections 9-55 and 9-57, each registrar, deputy registrar and other personnel appointed as provided in section 9-57 actually engaged in such duties and each municipal clerk shall receive such reasonable compensation from the municipality as is approved by the selectmen of the town, the warden and burgesses of the borough or the common council of the city or the consolidated town and city, as the case may be; and all necessary expenses incurred by registrars and municipal clerks under the provisions of said sections shall be paid by the municipality.

Comment [JC16]: Enumerate "other bodies"

Comment [JC17]: Need better word

⁴ NEW TEXT: Assignment of Clerk has been extended to all boards/commissions.

such rules are adopted by a majority of at least 8 affirmative votes. **Formerly a portion of 7-20.**

(d) Meetings – The Legislative Council shall adhere to the following:

(1) The first meeting of the newly elected Legislative Council, chaired by the Town Clerk, shall be held within 6 days after the members take office. **Formerly a portion of 7-20.**

(2) Regular meetings shall be held twice a month, except when there is no business to conduct. The chairman shall notify the Town Clerk and the membership of the cancellation. The Chairman may call special meetings as deemed necessary. **Formerly 7-40(a)**

Comment [JC18]: Fix; Generalize meetings?

(3) Notice shall be given to all members of the Legislative Council of the time and place at which all regular and special meetings are to be held. Each notice shall include the meeting Agenda and shall be delivered at least 3 days before the meeting and filed with the Town Clerk and made available for public inspection.

(4) The Legislative Council may hold an emergency meeting at the immediate call of the Chairman. The meeting shall be subject to ratification of the Chairman's decision that an emergency existed by at least 8 affirmative votes. The nature of the emergency shall be set forth fully in the minutes of the meeting. **Formerly 7-40(b)**

(4) Seven members of the Legislative Council shall constitute a quorum at all meetings for the transaction of business. **Formerly 7-40(c).**

(5) The Agenda of each regular or special meeting of the Legislative Council shall be prepared by the Chairman. The agenda shall also include any matter or item, without limitation, action or ordinance set forth in a written request filed with the Chairman not less than 7 days prior to such meeting by:

Comment [JC19]: Do we need this stuff?

(1) Any member of the Legislative Council;

(2) The First Selectman; or

(3) Not less than 80 electors of the Town of Newtown. Any such request filed by 80 electors shall contain the resolution or ordinance on which action is sought. Prior to appearing on an agenda, the resolution or ordinance shall be submitted to the Town Attorney, by the chairman or the Legislative Council, for his opinion as to the power of the Legislative Council to act thereon and his approval of the form of the resolution or ordinance. Such opinion or approval shall not be unreasonably delayed. **Formerly 7-40(d)**

Comment [JC20]: Is this necessary? If it acts the final product will come out of the Legislative process in proper form.

(6) Any elector of the Town of Newtown may speak during a portion of each regular or special meeting on any matter on the Agenda of that meeting or any other item, subject to such conditions, rules and regulations as may be established from time to time by the Legislative Council, including the right to limit public participation in the working sessions on the budget. **Formerly 7-40(e).**

(7) Subject to appropriate rules of order adopted by the Legislative Council and Connecticut law on freedom of information, matters not on the Agenda may be discussed. No action shall be taken by the Legislative Council on any matter unless it appears on the Agenda sent to Legislative Council members with the notice of the meeting unless emergency action is required at any regular or special meeting at which it is found by 8 affirmative votes that an emergency exists or at an emergency meeting called as set forth above. **Formerly 7-40(f)**

Comment [JC21]: The emergency meeting language makes this redundant.

2-110 Board of Selectmen

(a) Summary of General Responsibilities: The Board of Selectmen [C21] shall supervise the administration of the affairs of the Town, except those matters, which by the General Statutes or this Charter are exclusively committed to the Board of Education

or other Departments [C22]. The Board of Selectmen shall also be responsible for coordinating the activities of all the departments of the Town and for reviewing the present and future needs of the Town. **Formerly 3-20(a) and a portion of 3-20(b).**

Comment [JC22]: What does the word Department mean? Police, Fire?

(1) The First Selectman shall be the Chief Executive and Administrative Officer of the Town and shall have the powers and duties of First Selectman prescribed by this charter and the General Statutes. The First Selectman shall be responsible to the Board of Selectmen for the administration of departments under the direct supervision of the Board and shall execute or cause to be executed regulations or resolutions voted by the Board of Selectmen, and Town ordinances voted by the Legislative Council. **Formerly 3-10(a), 1-50.**

(b) The Board of Selectmen shall consist of the First Selectman and two Selectmen, each serving two year terms. Formerly 3-01(a) and a portion of 2-50.

(c) The Board of Selectmen shall have such powers and duties as prescribed by this Charter and the General Statutes. The Board of Selectmen may exercise any of the powers conferred on towns by the General Statutes, to the extent that the Legislative Council has not already acted by ordinance or resolution on such subjects and to the extent that such powers have not otherwise been granted or limited by this Charter to other boards, commissions or Town officers. **Formerly 3-30(b).**

Comment [JC23]: Can this be moved to the general section.

(d) Except for the powers granted to the Board of Education by the General Statutes, The First Selectman with the approval of the Board of Selectmen shall have sole power, subject to the provisions of this Charter and the General Statutes to:

(1) Incur indebtedness in the name of the Town and to provide for the due execution of evidences of indebtedness issued by the Town, subject to the provisions of subsection (tbd - 6-90(g)) of Section (tbd) of this Charter,

(2) Provide for the due execution of contracts for the Town, subject to the provisions of subsection (tbd -6-90(g)) of Section (tbd - contract) of this Charter,

(3) Institute, prosecute or compromise any legal action or proceeding by or against the Town, subject to the approval of the Legislative Council and, when relevant, the affected department, commission or board,

(4) Defend the Town by legal action or proceeding,

(5) Apply for any financial assistance by the State of Connecticut and the United States Government including grants to fund any appropriation, subject to the provisions of Section [tbd] of this Charter,

(6) Take, purchase, lease, sell, or convey [real or] personal property of or for the Town, subject to the provisions of Section [tbd] of this Charter, [C23]

Comment [JC24]: Necessary? Yes, RoW, Open space, etc

(7) Accept public highways, to approve the layout of public highways and related drainage, slope or other easements, to approve the acquisition of real property or interests in real property for the purpose of widening or realignment of existing public highways and to grant utility easements across town- owned property for the good of the town,

(8) Discontinue any Town owned public highway. **Formerly 7-90(a)**

(9) Require such reports from any Town Body or Department as may be useful in the performance of its duties, **Formerly a portion of 3-20(b)**

(10) Submit annually to the Board of Finance a proposed Budget for the next fiscal year subject to the provisions of Section [tbd] of this Charter.

Except as noted, formerly 3-30(a).

(e) The First Selectmen may declare, by resolution, a state of emergency, should he or she find that a state of emergency exists within the Town, requiring immediate action

to protect the health, safety or general welfare of the citizens. The resolution shall include the exact nature of the emergency and be simultaneously published by the most effective means available. The declaration shall be effective for a period of time not to exceed 5 calendar days, except that such effective time may be extended upon the approval by the Legislative Council that a state of emergency exists and the approval of all of the proposed actions necessary to deal with such emergency. The First Selectman shall take such actions as are in the best interest of the Town. [C25] Formerly 3-10(d).

(f) The First Selectman with the approval of the Board of Selectmen may, by resolution, establish such advisory or study committees as they find desirable in the discharge of their duties. Formerly 4-01(e)

(g) The Board of Selectmen shall have regular meetings and provide a procedure for calling special meetings. Formerly a portion of 3-20(c).

(h) A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business. Formerly a portion of 3-20(c).

(i) The Board of Selectmen may call joint meetings with other Town Bodies, by resolution or regulation, as may be useful in the performance of its duties subject to the provisions the General Statutes. It shall be the affirmative obligation of the members of such other Town Bodies to attend such joint meetings. [C26] Formerly a portion of 3-20(b).

Comment [JC25]: Emergency Section?

Comment [JC26]: Does this require other boards to warn or give them an excuse. Other boards commish to hold joint meetings.

2-115 Board of Education

(a) Summary of General Responsibilities: The Board of Education shall provide and maintain quality public elementary and secondary schools and such other educational activities as in its judgment will best serve the interests of the Town. Formerly a portion of 2-70(b).

(b) The Board of Education shall consist of 7 members serving 4 year terms. Formerly a portion of 2-70(a).

2-120 Board of Finance

(a) Summary of General Responsibilities: The Board of Finance reviews and assesses financial operations including transfers within the framework of the budget and special appropriations. The Board recommends a budget proposal and submits it to the Legislative Council for final action. In addition, the Board advises the Board of Selectmen and Board of Education during the budget process and all other Town Bodies on preferred financial practices and obligations.

(b) The Board of Finance shall consist of six members serving two year terms. Formerly a portion of 2-130 paragraph 1, 2-50.

(c) The Board of Finance shall have the powers granted and the duties imposed by this Charter, together with the powers granted and the duties imposed by the General Statutes on Boards of Finance except to the extent that the latter may be inconsistent with or in conflict with any of the provisions of this Charter. Formerly 2-130 paragraph 2.

2-125 Planning and Zoning Commission

(a) Summary of General Responsibilities: The Planning and Zoning Commission is responsible to promote the orderly and coordinated development of the Town. The Commission controls and directs the use and development of property in the Town. The Planning and Zoning Commission, subject to the provisions of this Charter, shall have all of the powers and duties conferred and imposed by the General Statutes upon both planning and zoning commissions. Formerly 2-90(a). It acts as the Planning Commission

Comment [JC27]: Is this necessary?

for the Borough of Newtown and shall, to the extent that it is so empowered by ordinance of the Borough of Newtown, act as Zoning Commission for the Borough of Newtown. Formerly a portion of 2-90(a).

(b) The Planning and Zoning Commission shall consist of 5 members who shall serve four year terms. Formerly a portion of 2-90(b).

(c) There shall be 3 alternate members of the Commission who shall serve two year terms. Such alternates shall have the powers and duties conferred and imposed on alternates by the General Statutes, the provisions of this Charter and the by-laws of the Commission. Formerly 2-90(c).

(d) The Planning and Zoning Commission shall accept on behalf of the Town all open spaces, parks, playgrounds, real property for the purpose of widening or realignment of existing public highways and drainage, slope or similar easements which it requires to be provided by a subdivider as a condition of subdivision approval. The power of the Commission to accept said open spaces, parks, playgrounds, real property and easements shall be limited to those situations where title to the property is free and clear of all encumbrances and is conveyed by warranty deed. Acceptance by the Commission shall not occur until the final subdivision map approved by the Commission has been filed with the Town Clerk. The Commission's approval is not subject to further appeal under Connecticut law. In the event title to the open spaces, parks, playgrounds, real property or easements is encumbered, the power to accept said property on behalf of the Town shall vest in the Legislative Council or the Board of Selectmen pursuant to Section [tbd]. [C27] Formerly 2-90(e).

Comment [JC28]: Reduce this section refer to subdivisions reference 7-91(c)

2-130 Town Clerk

(a) Summary of General Responsibilities: The Town Clerk is responsible for administrative work for the Town including the maintenance and safe-keeping of a variety of official municipal documents; issuance of various licenses and permits; and the recording of various documents and vital statistics.

(b) The Town Clerk shall exercise the powers and perform the duties of a Town Clerk as provided by the General Statutes except as hereinafter provided noted below, and shall perform such other duties as required by this Charter.

(1) The receipts to be paid to the Town Clerk shall be collected in accordance with the provisions of the General Statutes or this Charter or ordinances of this Town and shall be deposited with the Financial Director of the Town [C28] and the Town Clerk shall file with the Financial Director a full statement of such receipts monthly. The Town Clerk shall also keep a record of receipts, which shall show the amounts thereof and for what received.

Formerly 2-120(a).

2-135 Registrars

(a) Summary of General Responsibilities: The Registrars are responsible for voter registration and administer all elections. They also assist candidates, the public, and the parties in the preparation of specialized voter lists and individual requests for information.

(b) There shall be two (2) Registrars of Voters for the Town at large. One registrar from each political party shall be elected. Formerly a portion of 2-51(b).

2-140 Board of Assessment Appeals

(a) Summary of General Responsibilities: The Board of Assessment Appeals shall hear and decide appeals from property owners regarding the assessment of their property as and when provided by the General Statutes.

(b) There shall be 3 members of The Board of Assessment Appeals shall consist of 3 members of the board of assessment appeals elected to terms of 4 years, with the number to be elected in each regular town election to be determined by the number of members whose terms expire on or before the December 1st after the election. Formerly 2-60.

2-145 Board of Managers of Edmond Town Hall

(a) Summary of General Responsibilities: The Board of Managers of the Edmond Town Hall shall have the exclusive care and maintenance of Edmond Town Hall and all grounds and buildings appurtenant thereto. Formerly a portion of 2-80(c).

(b) The Board of Managers of the Edmond Town Hall shall consist be composed of 6 members serving 6 year terms. At each regular Town Election, 2 members of said Board shall be elected both of whom may not be members of the same political party. Formerly 2-80(a).

(c) It The Board shall have all powers and duties prescribed for said Board by Special Act No. 98 of the 1931 session by which it was created, as amended by Special Act No. 517 of the 1953 session. Formerly a portion of 2-80(c).

2-150 Zoning Board of Appeals [C29]

(a) Summary of General Responsibilities: The Zoning Board of Appeals has powers as provided in section 8-6 of the Connecticut General Statutes, including but not limited to granting variances of the Zoning Regulations and hearing appeals [C30].

(b) The Zoning Board of Appeals Board shall consist of 5 members and whose terms shall be 4 years, none of whom shall be a member of the Planning and Zoning Commission and not more than 4 of whom shall be from the same political party, with the number to be elected in each regular Town election to be determined by the number of members whose terms expire on or before the December 1st after the election. There shall be 3 alternate members of the Board who shall be elected at each regular Town Election for terms of 2 years, not more than 2 of whom shall be from the same political party. Formerly 2-100(a) and a portion of 2-100(c)

2-155 Board of Police Commissioners

(a) Summary of General Responsibilities: The Board of Police Commissioners shall maintain a Police Department in the Town and shall appoint a Chief of Police. In addition, the Board of Police Commissioners serves as the traffic authority of the Town. Formerly a portion or 2-110(a) and 2-110(h).

(b) There shall be elected aThe Board of Police Commissioners shall consist composed of 5 members who shall serve 4 year terms with the number to be elected in each regular Town election to be determined by the number of members whose terms expire on or before the December 1st after the election. Formerly a portion of 2-110(a).

(c) The Board of Police Commissioners shall, subject to budgetary limitations, have all of the powers now or hereafter granted to boards of police commissioners by the General Statutes of Connecticut, and, in addition to and not in limitation thereof, shall have the power to:

(1) Make all the regulations necessary to organize and maintain the Police Department including, without limitation, the establishment of ranks within said Department and the duties and responsibilities of each such rank.

(2) Appoint and promote members and officers of the Police Department in accordance with said regulations. Such members and offices shall continue to hold office during good behavior.

(3) Suspend and remove members and officers of the Police Department for cause in accordance with said regulations. A violation of the regulations adopted by the Board of Police Commissioners shall be sufficient cause for removal.

Formerly 2-110(b) and a portions of 2-110(d).

(d) No active head of The Chief of the Police Department shall not be dismissed unless he/she has been given notice in writing written notice of the specific grounds for such dismissal is given, as well as and an opportunity to be heard in his/her present a defense, personally and by counsel, at a public hearing before the Board of Police Commissioners. Such public hearing shall be commenced not less than 5 nor more than 10 days after such notice. Any person so dismissed may appeal in the manner described by Section 7-278 of the General Statutes. Formerly 2-110(e).

(e) The members and officers of the Police Department shall have the authority with respect to the service of criminal process and the enforcement of the criminal laws as vested by the General Statutes in officers and members of an organized police department or force or constables[C31]. Formerly 2-110(f).

(f) The First Selectman, with the approval of the Board of Selectmen, may appoint special constables pursuant to Chapter 95 of the General Statutes. Such special constables appointed under Section 7-92 of said Chapter 95 shall be under the control of the Chief of Police. Formerly 2-110(g).

2-105	Legislative Council
2-110	Board of Selectmen
2-115	Board of Education
2-120	Board of Finance
2-125	Planning and Zoning Commission
2-130	Town Clerk
2-135	Registrars
2-140	Board of Assessment Appeals
2-145	Board of Managers of Edmund Town Hall
2-150	Zoning Board of Appeals
2-155	Board of Police Commissioners
2-200	Appointive Boards and Commissions
2-201	General Provisions

- (a) Board and commission members and authority delegates shall be appointed by the First Selectman with the approval of the Board of Selectmen. All appointments to fill unexpired terms shall be for the duration of said unexpired term only.
- (b) The terms of appointment to any appointive board, except the Building Appeals Board, shall not exceed 4 years. The terms of members seated on such boards ~~and~~ shall be established to expire, as nearly as possible, at regularly staggered annual intervals, unless otherwise provided by this Charter or by the General Statutes. **Formerly 4-10(a)**
- (c) Appointive boards required by this charter or hereafter by ordinance other than the Board of Fire Commissioners and the Board of Ethics may, in their discretion, appoint associate members, with voice but without vote, for terms no longer than the terms of members of the appointing board.
- (d) Appointive boards, other than those required by this of this charter, may be created, abolished and consolidated; their powers and duties established, altered and repealed; and

the number and terms of office of their members established and changed by ordinance.

- (e) The First Selectman with the approval of the Board of Selectmen may, by resolution, establish such advisory or study committees as they find desirable in the discharge of their duties.

Comment [JC29]: Minority Representation required for ad hoc committees. What else applies to committees.

2-205 Board of Fire Commissioners

1. Summary of General Responsibilities

Board of Fire Commissioners shall operate, supervise and manage the Newtown Fire Department. The Newtown Fire Department consists of all the volunteer fire companies located within the Town and under the supervision and management of a Board of Fire Commissioners.

2. Membership and Terms of Service

- a. There shall be a Fire Department consisting of all the volunteer fire companies located within the Town, under the operation, supervision and management of a Board of Fire Commissioners. Said Board shall be composed of 7 members unless increased in accordance with subsection (3) below. Members shall be chosen in the following manner:
 - 1. Each volunteer fire company, in accordance with its by-laws and regulations, shall appoint one member of said Board.
 - 2. The full membership of The Board shall meet and appoint civilian commissioners as may be necessary to constitute the full membership of 7. Appointed civilian members shall not be members of any Town fire company.
 - 3. Each new volunteer fire company admitted to the Fire Department shall be entitled to appoint one additional new member of said Board and said Board shall also appoint one additional new civilian member in the manner prescribed in subsections (1) and (2) hereof.
 - 4. Should a volunteer fire company fail to appoint a member of said Board, the commissioners shall within 30 days appoint a civilian member to fill the vacancy who shall not be a member of any fire company.
- b. The term of office shall be for three years.

2-206 Commission on Aging

1. Summary of General Responsibilities

There shall be a Commission on Aging, as established by ordinance, which shall study the needs of and coordinate programs for the elderly and aging in Newtown and to act as agent for other Federal, State or Town Boards, Commissions or agencies or local private groups to carry out programs for the elderly and aging.

2. Membership and Terms

- a. The Commission shall consist of 9 regular members and 3 alternate members.
- b. The term of office shall be three years for regular members and two years for alternate members.

2-209 Economic Development Commission

- a.
- 2-210 Parks and Recreation Commission
- 2-211 Inland Wetlands Commission

1. Summary of General Responsibilities

There shall be an Inland Wetlands Commission, as established by ordinance, which shall act as the Town's Aquifer Protection Agency and to establish, amend and administer the Inland Wetlands and Watercourses Regulations and administer the Forest Practices Regulations of the Town of Newtown consistent with CT General Statutes.

2. Membership and Terms

- a. The Commission shall consist of seven members.
The term of office shall be three years.

2-215 Building Appeals Board

2. Summary of General Responsibilities

The Board of Building Appeals shall hear appeals related to all building matters.

3. Membership and Terms of Service

- a. The Commission shall be composed of five members.
- b. The term of office shall be five years.
- c. No person shall be appointed to more than two consecutive full terms.
- d. Each member shall be qualified by experience and training to vote upon matters pertaining to building construction.
- e. No member of said Board shall vote on any question concerning a matter in which he is engaged as a contractor, material dealer, architect or engineer, or in which he has a personal interest.

2-216 Board of Ethics

1. Summary of General Responsibilities

Board of Ethics shall administer the Code of Ethics, as defined by ordinance, receive and hear complaints of violations of The Code of Ethics and respond to requests from public officials seeking advice on the conformity of actions with the Code of Ethics. The Code of Ethics shall guard against improper influence or the appearance of improper influence and to ensure public trust in the government. To that end, the Code of Ethics shall set standards on the conduct of all Town officials and employees as necessary or appropriate to prevent a conflict of interest or the appearance of a conflict.

2. Membership and Terms of Service

- a. The Board of Ethics shall be composed of six regular members and two alternate members.
- b. The term of office shall be four years.
- c. No more than three regular members and one alternate member shall be of the same political party.
- d. Any member who has served for two full terms in succession shall be ineligible for reappointment to the Board for a period of 4 years after he/she last served on the Board.
- e. Each member shall serve until his/her successor has been appointed.

- f. No member shall serve more than two full terms except to accommodate 2e.
- g. A quorum shall consist of four members.
- h. An alternate member shall vote only in the absence of a regular member.

3. Duties

- a. The Board shall be charged with the administration of the Code of Ethics. The Board shall adopt and may amend reasonable rules and regulations for the administration of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall hold a public hearing. Notice of the date, time and place of the public hearing, together with the text of the proposed amendment, shall be published in a newspaper having a substantial circulation in the Town of Newtown not less than 10 days before the date of said hearing. All such rules and regulations, as currently amended, shall be made available at the office of the Town Clerk to any elector of the Town.
- b. The Board shall receive complaints of any violations of the Code of Ethics and shall, upon such complaint, investigate the same and may hold private hearings thereon if, in the opinion of the majority of the Board, said complaint warrants a hearing. Any complaint received by the Board must be in writing and signed by the individual making said complaint. Complaints made to the Board of Ethics shall not be made public unless and until the complaint is found to warrant an investigation. Upon receiving any complaint, the Board shall privately notify in writing the person against who said complaint has been filed, advising the concerned party of the specific nature of the complaint made and being investigated by the Board and the name of the complainant. Upon receipt of said notice from the Board, the party so notified that a complaint has been filed against him/her shall have the right to demand a full hearing by the Board. In the event the Board decides that a hearing is required, or the person whose conduct is being called into question demands a hearing, said hearing shall afford the person whose conduct is called into question the right to cross-examine anyone testifying against him/her, to meet and answer any complaint made of his/her conduct, and to present evidence in his/her own behalf. No hearing may be conducted with less than 4 members of the Board in attendance.
- c. In the event the Board shall receive complaints against any officer, official or employee of the Town, the investigation and disposition of which have been delegated to other boards or commissions created by the Charter or under the General Statutes, then the Board shall forward the complaint received to the appropriate board or commission. The board or commission to which such complaints are forwarded shall thereafter notify the Board of the disposition made of said complaint.
- d. The Board shall report to the Board of Selectmen its finding as to whether or not a violation of the Code of Ethics has occurred, together with recommendation as to dispositions to be made. The First Selectman with the approval of the Board of Selectmen shall thereupon take such action as it may deem appropriate including, but not limited to, removal from office, suspension or censure of the person(s) who is the subject of the complaint or dismissal of the charges, except that elected officials may not be removed or suspended from office.
- e. Whenever, an officer, official or employee of the Town is contemplating taking an action or participating in any proceeding and has any question concerning the conformity of that action or participation with the Code of Ethics, the officer, official or employee shall have the right to seek an advisory opinion of the Board.

Such request must be submitted in writing and the resulting advisory opinion from the Board shall be in writing.

- f. All opinions, findings and recommendations of the Board, whether advisory or at the request of a complainant, shall be kept on file in the office of the Town Clerk.
- g. The Legislative Council, by regulation, may prescribe procedures permitting the reimbursement by the Town of any reasonable attorney's fees incurred in connection with an appearance before the Board of Ethics by an officer, official or employee of the Town.

4. Code of Ethics

- a. The Code of Ethics is an ordinance which can be amended in accordance with the procedures for amending ordinances except that the Board of Ethics, without a petition, may propose amendments. In the event that an amendment is so proposed, the Legislative Council shall have 60 days to approve, modify or reject said amendment.

2-220 Public Building Site Commission

2-225 Conservation Commission

1. Summary of General Responsibilities

There shall be a Conservation Commission, as established by ordinance, for the development and conservation of natural resources within the territorial limits of the Town of Newtown. The Commission shall advise on the appropriate use and management of the natural resources for the Town of Newtown.

2. Membership and Terms

- a. The Commission shall consist of 7 members.
- b. The term of office shall be four years.

2-230 Trustees of the Cyrenius H. Booth Library

2-235 Cultural Arts Commission

1. Summary of General Responsibilities

There shall be a Conservation Commission, as established by ordinance, for the development and conservation of natural resources within the territorial limits of the Town of Newtown. The Commission shall advise on the appropriate use and management of the natural resources for the Town of Newtown.

2. Membership and Terms

- a. The Commission shall consist of nine members.
- b. The term of office shall be three years.

2-240 Justices of the Peace

2-245 Lake Lillinonah Authority

1. Summary of General Responsibilities

The Town shall participate in the Lake Lillinonah Authority, as established by ordinance, to exercise all powers relating to improving water quality, the enforcement of boating laws on said lake and such other powers as from time to time may be granted to the Authority by the legislative bodies of all member towns and the General Statutes.

2. Membership and Terms

- a. Member Towns shall be the Town of Newtown and can be other towns having Lake Lillinonah within their territorial limits.
- b. The Authority shall be composed of three delegates from each member town.

c. The term of office shall be three years.

2-250 Lake Zoar Authority

1. Summary of General Responsibilities

The Town shall participate in the Lake Zoar Authority, as established by ordinance, to exercise all powers relating to improving water quality, the enforcement of boating laws on said lake and such other powers as from time to time may be granted to the Authority by the legislative bodies of all member towns and the General Statutes.

2. Membership and Terms

- a. Member Towns shall be the Town of Newtown and can be other towns having Lake Zoar within their territorial limits.
- b. The Authority shall be composed of three delegates from each member town.
- c. The term of office shall be three years.

2-250 Newtown Health District Health Board

1. Summary of General Responsibilities

The purpose of the Newtown District Health Department Board shall be to preserve and improve the status of public health by (1) upholding and enforcing the Public Health Code of the State of Connecticut and such ordinances and regulations as may be adopted by the District Board of Health; and (2) working with other providers of health services in the District to better coordinate existing programs and to plan and implement new health programs.

2. Membership and Terms

- a. Each municipality and/or Borough which has voted to become part of the District shall, by its Board of Selectmen, appoint a representative(s) to serve on the District Board of Health and may appoint an alternate to serve in the absence of this representative.
- b. The term of office shall be three years.