

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

The Charter Revision Commission held a meeting on Wednesday, June 10, 2015 in the Lower Meeting Room at Edmond Town Hall, 45 Main Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:37pm.

Present: Kevin Burns, Jeffery Capeci, Tom Long, Dan Wiedemann, Eric Paradis, Deborra Zukowski, George Guidera, Eric Paradis

Absent: James Ritchie, Bob Hall

VOTER COMMENTS:

MINUTES: Mr. Guidera moved to accept the minutes from the 5/27/15 meeting as presented Mr. Burns seconded. Mr. Capeci asked that the informal vote by raise of hands concerning term limits for the Library Board of Trustees detail who voted what way. Mr. Guidera, Mr. Weidemann, Ms. Zukowski and Mr. Ritchie voted no and Mr. Burns, Mr. Long, Mr. Capeci, Mr. Hall and Mr. Paradis voted yes. Motion unanimously approved with correction.

COMMUNICATIONS – Ms. Quinn, Chair of the Sustainable Energy Commission sent communication from the Commission requesting that there be no term limits for their commission (Attachment A). Mr. Capeci informed her that this is an ordinance issue not a charter issue and suggested that she contacts the Legislative Council.

Mr. Capeci spoke with Mr. Geckle of the Library Board of Trustees. He seemed disappointed that they didn't use one of the alternatives that he suggested but when it was explained that the language was taken from the Board of Ethics and have the term limits capped at 8 years, he was satisfied.

Also, Maryann Jacob, Chair of the Legislative Council, gave a deadline of early July for the CRC to complete their work. At the June 16th meeting they will set a public hearing date.

NEW BUSINESS

COPY OF WORKING COPY OF CHARTER – ATTACHMENT B

6-05(b) – Mr. Capeci suggested to remove the first sentence. Mr. Guidera, thought this would be helpful to get department heads informed. No later than December 1st was deleted and it was spelled out that other than the Board of Education, Departments shall present the First Selectman an itemized estimate of expenditures.

6-10(b) It was questioned why is that in there. We get to vote on a line item budget and that is what the law allows them to do. The statutes do not disallow the BOE from referencing their entire budget. "And including to the extent allowed by the CT General Statutes the Board of Education Budgets" was deleted. And the single line item representing the proposed BOE appropriation was added.

6-10(c) – was stricken after changes were made to (b).

1-30 General Provisions - section was added

6-20 (b)(2) deleted only on a two third affirmative and added by an affirmative vote of at least (8)

(3) changed from amended to inclusive of any amendments made in 6-20(f)

(d) Proposed revenues was changed to estimated

(e) Was added – If the Legislative Council approves a project in the CIP for appropriation and funding for an amount that exceeds the Legislative Council’s authority, as established in sections 6-35 (e), the legislative Council shall use its best efforts to have the appropriation for the project added to the ballot for the Annual Budget Referendum.

6-25(a) – the advisory questions have been changed to “if the proposed sum of \$_____ for the BOS is not approved, should the revised budget be higher?” same for the BOE.

Ms. Zukowski expressed concern that the binding aspect was not clear in the last charter revision and that it warrants more of a conversation. This discussion will take place at another meeting when Mr. Hall and Mr. Ritchie are present.

Subsection (b)(2) presents two alternative ways to deal with the Legislative Council process after a budget is defeated at referendum. First, the LC shall act on changes to a proposed Town Budget not approved, in whole or in part at a budget referendum by majority vote of the embers present and voting. Alternative, the LC shall act on changes to a proposed Town Budget not approved, in whole or in part at the Annual Budget Referendum as provided in section 6-20(b). This will be discussed when they have a full commission.

(c) Added – Similarly if one or more appropriations of the budget fail, paragraph (b) shall be repeated until all budget appropriations are approved by referendum vote.

6-35 (i) is stricken because you cannot prepay bonds.

6-35 (j) was also stricken.

VOTER COMMENT - NONE

ANNOUNCEMENTS – NONE

Having no further business, the meeting was adjourned at 10:15pm

Respectfully Submitted, Arlene Miles, Clerk

Attachment A

Fw: Fwd: Sustainable Energy Commission Minutes 5.21.2015

Wed 6/10/2015 6:36 PM

From: Jeffrey Capeci

To: Arlene Miles



Correspondence for the minutes...

(http://accessories.us.dell.com/sna/category.aspx?c=us&l=en&s=dhs&cs=19&category_id=2999&mfgpid=167757&chassisid=-1)

----- Forwarded Message -----

From: Quinn <quinnka@aol.com>

To: jeff@thecapecis.com

Sent: Thursday, May 28, 2015 9:42 AM

Subject: Fwd: Sustainable Energy Commission Minutes 5.21.2015

Jeff,

At our last meeting we did discuss term limits for the members of our commission. A motion was passed (last item covered by the minutes) to request that there be no limits on our terms of service. We are requesting that you consider this along with the Charter Revision process.

Regards,

Kathy Quinn, Chair
Sustainable Energy Commission
203-482-2006
quinnka@aol.com

-----Original Message-----

From: Jessica Smith <jessicasmith8738@gmail.com>

To: Town Clerk - Newtown <town.clerk@newtown-ct.gov>

Cc: Barbara Toomey <bhtoomey@yahoo.com>; Bryan Dougherty <bryan.dougherty1@gmail.com>; David Stout <davidstout1@gmail.com>; Desiree Galassi <dgalassi@earthlink.net>; Fred Hurley <fred.hurley@newtown-ct.gov>; Joe Borst <bjborst22@att.net>; Kathy Quinn <quinnka@aol.com>; Mark Sievel <mesievel@snet.net>; sgogliettino <sgogliettino@yahoo.com>

Sent: Mon, May 25, 2015 7:12 pm

Subject: Sustainable Energy Commission Minutes 5.21.2015

Good Evening,

Attached are the minutes of the Sustainable Energy Commission meeting of 5.21.2015.

Thank You.

--

Jessica Smith
jessicasmith8738@gmail.com

Attachments:

- SEC Minutes 5.21.2015.doc

Town of Newtown, CT

3 Primrose Street, Newtown, CT

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE SUSTAINABLE ENERGY COMMISSION

5-21-2015

The Sustainable Energy Commission held a regular meeting Thursday, May 21, 2015 in shared meeting room 3 of the Municipal Center located at 3 Primrose Street, Newtown, CT 06470.

The meeting was called to order by Chairman, Kathy Quinn at 7:03 pm.

Present: Chairman, Kathy Quinn, Fred Hurley, Joseph Borst, Dave Stout, Steven Gogliettino

Absent: Desiree Galassi, Bryan Dougherty, Mark Sievel, Barbara Toomey

Public: Keith Alexander, Board of Education

Communications:

Welcome to Steve Gogliettino, the newest Sustainable Energy Commission member.

Ms. Quinn reported that 9 mattresses were collected at Earth Day, the goal was 10.

There is a stand up collage board of Sustainable Energy Commission projects in Town Hall. Ms. Quinn invites all members to stop by and take a look. The board was also used at Earth Day and is easy to move around between locations and events.

Ms. Quinn was asked to meet with Direct Energy who is attempting to set up another Solarize program. The Commission does not want to commit to working with just one vendor for any future programs or projects. The Town of Fairfield just started a second round and has more interest than the first. Fairfield is working with 2 vendors for this round.

Public Comments:

None

Acceptance of Minutes:

Mr. Borst made a motion to accept the minutes of the April 16, 2015 meeting minutes as presented. Ms. Quinn seconded the motion which carried unanimously.

Old Business:

Solar Project: RFP (Request for Proposal) for Landfill

Mr. Hurley reported that 11 companies attended the pre-bid meeting and 5 of those companies submitted bids.

One critical issue that is currently being decided at the state level is if there will be any more spaces opened up for towns in the virtual net metering program before the legislature adjourns in June. Currently all the queue for municipalities is full for participation in virtual net metering. One other date that is important for this project is June 18, 2015 which is when the ZREC (zero emission renewable credit) program ends.

The final number for the project will depend on the ZREC auction in June. Only one bid is supposed to be entered per site. Mr. Stout believes the bidding will be around \$48. Some bidders for the RFP did not include the ZREC amount. The Virtual Net Metering credit is on a sliding scale depending on the cost of power.

There has been some discussion on the Eversource interconnection fee. Some believe it could be as high as \$400,000 or \$500,000. The more common number is believed to be \$100,000. Four of the five bidders believe the fee will be \$100,000.

The top two vendors have a generation shortfall reimbursement for 90%. This is important because a shortfall in generation could cause an issue with budgeting for power costs.

There are no obvious red flags on equipment but the vendors did not list all equipment that would be used for the project.

5

Mr. Borst questioned if the state variable rates will have any impact on this project. Mr. Hurley stated that the variable rates will not have any impact on this project but are more relevant to residential consumers.

Mr. Gogliettino asked how long the project would take to implement. Mr. Hurley stated that latest date to come online is October 1, 2016 with the ZREC program. All the vendors are aware of the come online date and that they need to meet the deadline or they could face financial jeopardy. The vendor chosen will need to make payments to the state at different milestones in the project. There is no financial obligation to the town on a PPA (power purchase agreement). The ZRECs won't be awarded until July and they are awarded from the lowest to the highest bids.

The cost of electricity is projected to increase 10.9% over the next 20 years. If Newtown is able to lock in a solar rate that will remain constant while the cost of electricity is rising, the savings rate will steadily increase as well. The system will lose 0.5% of generation each year and eventually level out around 80%.

The vendor will be responsible for maintenance and the cleaning of the panels in the event of snow.

At the end of the contract, the town will have several options that will be outlined in the contract itself. Newtown will be able to buy the system at the current rate, extend the contract, or use the removal clause.

Solar City Proposal

Solar City had the best price per kilowatt with no escalator. The available kilowatt hours would only require a system of less than 744 kilowatt AC. Newtown can choose to add more buildings to the project to get to the project proposal of a 1 megawatt system. They identified the VNM (virtual net metering) credit, interconnection fee, reimbursement, identified current bill needs, and listed equipment on the proposal. The longest warranty on the panels is about 25 years, the proposal outlined various term years, starting at 15 years. This project is a sweet spot for Solar City, it will be a great investment for both the town and the vendor.

Sun Edison Proposal

Recognized buildings that don't require a 1 megawatt system. No interconnection fee is listed but is most likely rolled into the cost.

The Solar City proposal is quite lower than Sun Edison. It is difficult to make an apples to apples comparison between the bids

PV Navigator Proposal

Proposal was very general with a 1% escalator. There wasn't much information and can assume some costs are rolled into the proposal but can't know for certain. There was no ZREC number in the bid.

Altus Proposal

Their proposal is higher than it has been in the past for other projects. Mr. Hurley was surprised at the mention of the local tax abatement and that it didn't discuss VNM savings. They assumed the ZREC but didn't mention it and the escalators are high.

Solomon Proposal

Their proposal wasn't terrible and they understand the legal complexities with VNM and the legalities that need to be passed for it to happen. They are partnering with True Green Capital Management and have a couple landfill projects in the queue for completion. They talk about the offset from the standard rate of utility which isn't too great. The floors are usually around .065 and Solomon's is .08. Their unit rates are high as well.

Solar City has a good track record for nailing down these projects. The landfill is settled completely and won't have any surprises.

Motion: Mr. Borst made a motion to recommend that the town of Newtown's Purchasing Authority begin negotiations with Solar City and accept their bid for the solar project at the landfill. Mr. Gogliettino seconded the motion which carried unanimously.

Outreach to Schools

The commission is trying to get the schools and kids more involved in programs like recycling but they're having a hard time getting the Newtown Public Schools on board unlike the private schools in town that are already participating in sustainable programs. One program the schools can get involved in is through Terracycle which collects unusual items and upcycles them and pays the schools for the items they collect like chip bags or juice pouches.

Public Works is also having a difficult time getting recycling going in schools. There needs to be some priority given to it in schools and each building needs to get on board. Solid Waste conducts poster contests each year and Newtown has hardly any entries. Public Works has found it very frustrating not being able to get any traction in the schools. The kids are into the different programs and ideas but they aren't being supported in the schools. The Board of Education needs to give its support to the Superintendent who needs to filter this down to the schools.

The schools and students will have access to the energy dashboard where they will be able to look up each building's power usage.

Mr. Alexander likes the ideas in general but wants to know what can specifically be done to move forward. One thing he does suggest is having all communications go through the central office. Public Works has tried sending the communication to each school in the past but it never trickles down to the teachers.

Significant savings can be had with a solid, effective recycling program. Recycling costs are lower than waste costs. Mr. Hurley can assist in calculating the savings that could be obtained. There also need to be more recycling receptacles in the schools. The priority needs to come from the top down to put some energy into sustainable programs in the schools.

Public Works is looking at different school buildings to incorporate some of the ESCO findings like LEDs and rooftop solar. The focus will be on buildings whose future use is definitive.

Energy Savings Program

Ms. Quinn pulled summary information from final IGA from Ameresco which broke down each building's current status along with energy conversion measures that were recommended which excluded LEDs.

The baseline for energy usage will be from the 2012 fiscal year. The ESCO is based on the 2013 fiscal year.

Natural gas is possible at the middle school. Edmond Town Hall is proceeding with a boiler replacement.

As an alternative to Celtic, Newtown can also use a SBA (small business advantage) approved vendor. The question facing the commission is if they feel a third party is needed to oversee the projects.

Many of the IGA finds can go through the SBA program. The SBA vendors are all required to justify their costs to Eversource. Mr. Hurley recommends getting an RFP going to get an estimate from Celtic and others for consulting on the SBA projects. The town could start with one small project and getting and see how it goes before committing to having consultants on the other projects. The third party would take care of the administrative tasks, follow ups, and pick up the slack where necessary.

Street Lighting

Mr. Hurley has to call CCM and look at more proposals and the different options that are available.

Municipal Energy Plan

In process

Energy Star Portfolio Manager

In process

Transition Movement

No update.

Term Limits

Ms. Quinn and Mr. Borst's terms expire in January 2016 and can't be renewed because of term limits.

The Sustainable Energy Commission is not really a political commission but is more forward thinking and project based. It is important to keep people working for the benefit of town.

Motion: Mr. Borst made a motion to recommend to the Charter Commission that since the Sustainable Energy Commission is a non political board, there does not seem to be a need for the restriction of terms of service. The motion was seconded by Mr. Gogliettino. The motion was carried unanimously.

Adjournment:

Mr. Borst made a motion to adjourn the meeting at 9:00 pm. The motion was seconded by Mr. Stout. The motion was carried unanimously.

The next regular meeting will occur on Thursday, June 18, 2015 at 7:00 pm at the Newtown Municipal Center in Shared Meeting Room 3.

Submitted, Jessica Smith, clerk.

**Charter
of the
Town of Newtown
State of Connecticut**

ADOPTED OCTOBER 2, 1961
REVISED OCTOBER 7, 1963
REVISED NOVEMBER 8, 1966
REVISED MAY 3, 1971
REVISED MAY 7, 1973
REVISED NOVEMBER 5, 1974
REVISED NOVEMBER 8, 1977
REVISED NOVEMBER 8, 1983
REVISED NOVEMBER 3, 1987
REVISED NOVEMBER 5, 1991
REVISED NOVEMBER 4, 1997
REVISED NOVEMBER 6, 2001
REVISED APRIL 22, 2008
REVISED NOVEMBER 6, 2012

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DRAFT FOR DISCUSSION

CHARTER
TOWN OF NEWTOWN
PREAMBLE

We, the proprietors and inhabitants of the Town of Newtown, being duly qualified electors of the State of Connecticut, and in the exercise of those privileges, liberties and powers which we have enjoyed since the eleventh day of October, 1711, in order to preserve and protect the property and personal well-being and to promote the individual and general welfare of all our citizens, do hereby declare that this Charter shall constitute our form of government.

CHAPTER 1 INTRODUCTION

1-01 Incorporation

- (a) All the inhabitants dwelling within the lawfully defined territorial limits of the Town of Newtown shall continue to be a body politic and corporate under the name of the "Town of Newtown", hereinafter called "the Town". As such, it shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this Charter and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut.

1-05 Rights, Obligations and Actions Continued

- (a) All property interests, both real and personal, all actions, causes of action, defenses thereto and rights of every description and all liens vested or inchoate which the Town possesses as of the effective date of this Charter shall be continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind for which the Town is liable on that date. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien. Any rights or obligations of any Town department that would fail, lapse or fall into breach by reason of any change in the powers, organizations or duties of the department resulting from this Charter shall be assumed by the Board of Selectmen, unless otherwise provided by ordinance, resolution or the terms of this Charter.

1-10 Powers of Town

- (a) In addition to all powers granted to towns under the State of Connecticut Constitution and the General Statutes, the Town shall possess all powers granted by this Charter and all powers proper, incidental or convenient to their exercise. The Town shall also possess the powers incident to the management of its property, government and affairs, including the capacity and power to enter into contracts with the United States or any Federal Agency, and the State of Connecticut or any political instrumentality thereof, for any purposes not prohibited by law.

1-15 Effect of Charter

- (a) This Charter shall be the organic law of the Town in the administration of its local affairs. Special acts and ordinances inconsistent with this Charter and superseded by it shall have no further force or effect after the effective date of this Charter. Other special acts affecting the Town, and all other ordinances and resolutions duly adopted and in force before the effective date of the Charter, remain in force, but shall not apply whenever they conflict with the provisions of this Charter.

1-20 Summary of Governance

- (a) The Chief Executive and Administrative Officer of the Town shall be First Selectman.
- (b) The administrative body of the Town shall be the Board of Selectmen.
- (c) The legislative body of the Town shall be the Legislative Council.

1-30 General Provisions

- (a) ~~The following provisions shall apply throughout the charter unless otherwise specified:~~
 - (1) ~~Public Notice: In any instance in which public notice is required the same shall be served by causing its publication in a newspaper having a substantial circulation in Newtown unless a different method of notice is provided for in the General Statutes as amended.~~

1-25 Definitions

- (a) The following terms, when used throughout this Charter, shall have the meaning ascribed to them below:
 - (1) Town: The term "town" shall be used in this Charter as defined in subsection 1-01(a).
 - (2) Resident Elector: The term "resident elector" as used in this Charter shall describe a person who is registered to vote in the Town of Newtown and whose principal residence is in the Town of Newtown. No person who has filed with the registrar of voters an application for the retention of electoral privileges shall be considered a resident elector for so long as the application for retention of elector privileges is in effect. <<<Definition used by Ridgefield for same purpose>>>
 - (3) Town Bodies: The term "Town Bodies" shall include the Legislative Council and each board, commission, and agency defined herein.
 - (4) Department: The term "department" shall include the offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters, Judge of Probate, or the Legislative Council, [Board of Education](#) or each board or commission to which funds are appropriated in the Annual Budget, or the Public Works Department which shall be considered a separate department from the remainder of the functions for which appropriations are expended by the Board of Selectmen and any other body or group which is designated a department by the Legislative Council on or before the October 1st in the year prior to the adoption of the Town Budget.

~~General Provisions~~

- ~~The following provisions shall apply throughout the charter unless otherwise specified:~~
 - (4) ~~Public notice for hearings shall be served by publishing in a newspaper having a substantial circulation in Newtown or per General Statutes as amended.~~

CHAPTER 2 - MEMBERSHIP, RULES, AND DUTIES FOR NEWTOWN OFFICES

2-01 General Provisions

- (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 and any 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.
- (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.
- (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.
- (e) All members and alternates of Town Bodies shall have the powers and duties conferred and imposed on them by the Connecticut General Statutes, the provisions of this Charter, and the regulations or by-laws of the body on which they serve.

2-05 Eligibility

- (a) 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.
- (b) No person shall hold more than one elective office of the Town at the same time.
- (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. <<<**JC: Consider striking paragraph**>>>
- (d) Specific rules regarding eligibility for certain offices, boards or commissions are contained in the following subsections discussing such board or commissions:
 - (1) First Selectman: 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.
 - (2) 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.
 - (3) 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 subsection 2-30(b), members of the Legislative Council shall reside in the district from which they were elected.

- (4) Police Commission: No member of the Board of Police Commissioners shall be a member or officer of the Police Department, the Chief of Police, or a member of any other Board or Commission. <<<**JC: Is special constable still required?**>>>
- (5) Board of Fire Commissioners: Eligibility to serve on the Fire Commission is described in subsection 2-201(a)(1).
- (6) Building Appeals Board: Members shall be qualified by training and experience on matters pertaining to building construction. <<<**Should resident elector restriction apply?**>>>
- (7) 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. <<<**Should resident elector restriction apply?**>>>

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:

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

- (b) Exceptions are as follows: <<<**Do any of the added commissions/authorities have exceptions?**>>>
 - (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.
 - (2) 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.
 - (3) 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.
 - (4) 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.

- (5) 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.
- (6) 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.
- (7) 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.).

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.
- (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. <<<Was also said in 2-201(b)>>>

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

- (a) The First Selectman shall be the Chairman and preside over meetings of the Board of Selectmen. <<<Moved to 2-110(d)>>>
- (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 shall elect from their number a Chairman during the first meeting.
- (d) The members of the Legislative Council shall also elect from their number a Vice Chairman during the first meeting.
- (e) All other elected and appointive boards, commissions, and committees may choose a Vice Chairman and a Secretary. [C16] <<<BoE and Appointive boards "shall" elect a secretary, according to 2-70(b) and 4-30(b)>>>

2-25 Voting

- (a) 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.

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.

- (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 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.
- (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.
- (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.
- (e) <<<Provided for in 3-20>>>

2-31 Procedures for Filling Vacancies in Elected Boards and Commissions

- (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.
- (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.
- (c) For all other elected boards, commissions and authorities: 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.

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.

- (b) <<<Moved to 2-201(a)(1)>>>All vacancies in the Cyrenius H. Booth Library Board of Trustees other than those 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
- (c) Vacancies in the Board of Fire Commissioners shall be filled in accordance with subsection 2-205(b) of this Charter.

2-35 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.

2-40 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.
- (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.
- (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.

2-45 Compensation

- (a) The Town Clerk shall receive a salary in lieu of all fees and other compensation. The Town Clerk's salary shall be set from time to time by the Legislative council. <<<JC: Per Town Council. We may want to suggest an ordinance is written to define the process per CGS Sec. 7-34b.>>>
- (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.
- (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.

2-50 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.

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 Town Bodies. The Council determines the annual Budget appropriations and considers special and emergency appropriations as set forth in CHAPTER 6. The Legislative Council shall have the power to enact, amend or repeal ordinances as set forth in CHAPTER 5.
- (b) Membership and Terms:
 - (1) The Legislative Council shall consist of 12 members, 4 of whom shall be elected from each of 3 Legislative Council, established in accordance with Section 3-10 of this Charter.
 - (2) The term of office shall be two years.
- (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 such rules are adopted by a majority of at least 8 affirmative votes.
- (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.
 - (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.
 - (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.
 - (5) Seven members of the Legislative Council shall constitute a quorum at all meetings for the transaction of business.
 - (6) 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, including without limitation any action or ordinance, set forth in a written request filed with the Chairman not less than 7 days prior to such meeting by:
 - (i) Any member of the Legislative Council;
 - (ii) The First Selectman; or
 - (iii) 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 of the Legislative Council, for his opinion as to the power of the Legislative Council to act thereon. Such opinion or approval shall not be unreasonably delayed.

- (7) 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.
- (8) 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 in subsection 2-105(d)(4)

2-110 First Selectman

- (a) Summary of General Responsibilities: The First Selectman shall be the Chief Executive and Administrative Officer of the Town and shall have the powers and duties of First Selectmen prescribed by this Charter and the General Statutes.
- (b) 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.
- (c) The First Selectman 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. The emergency declaration may be extended by an affirmation by the Legislative Council that a state of emergency exists. Any proposed actions necessary to deal with such emergency shall be approved by the Legislative Council. The First Selectman shall take such actions as are in the best interest of the Town.
- (d) 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 during such time when the First Selectman is absent or disabled. <<<JC: 1) This may belong elsewhere, 2) requested better language, 3) Move this to 1-50 "as the Board may designate by resolution or regulation">>>

2-115 Board of Selectmen

- (a) Summary of General Responsibilities: The Board of Selectmen 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 Town Bodies. 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.
- (b) Membership and Terms:

- (1) The Board of Selectmen shall consist of the First Selectman and two Selectmen.
 - (2) The term of office shall be two years.
- (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 Town Bodies or officers. Formerly 3-30(b).
- (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 section 7-20 of this Charter,
 - (2) Provide for the due execution of contracts for the Town, subject to the provisions of section 7-20 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 6-40 of this Charter, <<<Note that the original reference was to 6-60, non-recurring expenses>>>
 - (6) Take, purchase, lease, sell, or convey personal property of or for the Town,
 - (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.
 - (9) Require such reports from any Department as may be useful in the performance of its duties.
 - (10) Submit annually to the Board of Finance a proposed Budget for the next fiscal year subject to the provisions of Section 6-05 of this Charter.
- (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.
- (f) The Board of Selectmen shall have regular meetings and provide a procedure for calling special meetings.
- (g) A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business.

- (h) 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.

2-120 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.
- (b) Membership and Terms:
- (1) The Board of Education shall consist of 7 members.
 - (2) The term of office shall be 4 years.

2-125 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 as set forth in section 6-15. 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) Membership and Terms:
- (1) The Board of Finance shall consist of six members.
 - (2) In the 2017 Town Election, three seats shall have terms for four years and the remaining three shall have terms for 2 years. In the 2019 Town Election, the three seats up for election shall have four year terms. Thereafter, the term of office for all seats shall be four years and elections shall be subject to section 3-15(b).
- (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.

2-130 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. It acts as the Planning Commission 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.
- (b) Membership and Terms:
- (1) The Planning and Zoning Commission shall consist of 5 members and three alternates.
 - (2) The term of office for members and alternates shall be four years and two years, respectively.

2-135 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) Membership and Terms:
 - (1) There shall be one Town Clerk.
 - (2) The term of office shall be four years.
- (c) 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. The Town Clerk shall also keep a record of receipts, which shall show the amounts thereof and for what received.

2-140 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) Membership and Terms:
 - (1) There shall be two Registrars of Voters for the Town at large, one from each political party.
 - (2) The term of office shall be four years.

2-145 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) Membership and Terms:
 - (1) The Board of Assessment Appeals shall consist of three members.
 - (2) The term of office shall be four years.

2-150 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.
- (b) Membership and Terms:
 - (1) The Board of Managers of the Edmond Town Hall shall consist of six members.
 - (2) The term of office shall be six years.

- (c) 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.

2-155 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.
- (b) Membership and Terms:
 - (1) The Zoning Board of Appeals Board shall consist of five members and three alternates.
 - (2) The term of office for the members and the alternates shall be four years, and two years, respectively..

2-160 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 of 2-110(a) and 2-110(h).
- (b) Membership and Terms:
 - (1) The Board of Police Commissioners shall consist of five members.
 - (2) The term of office shall be four years.
- (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.
- (d) No active head or The Chief of the Police Department shall not be dismissed unless he/she has been given written notice of the specific grounds for such dismissal, as well as an opportunity to be heard in his/her own 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.
- (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. Formerly 2-110(f).

2-200 Appointive Authorities, Boards, Commissions and Officers

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 unless hereinafter specified. All appointments to fill unexpired terms shall be for the duration of said unexpired term only.
 - (1) 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 in subsection 2-31(a)(1).
- (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 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.
- (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. Such committees shall be subject to Minority Representation as set forth in section 2-10.

2-205 Board of Fire Commissioners

- (a) 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. The Board shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.
- (b) Membership and Terms of Service:
 - (1) 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:
 - (i) Each volunteer fire company, in accordance with its by-laws and regulations, shall appoint one member of said Board.
 - (ii) The full membership of The Board shall meet and appoint civilian commissioners as may be necessary to constitute the full membership. Appointed civilian members shall not be members of any Town fire company.
 - (iii) 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.

- (iv) 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.

(2) The term of office shall be for three years.

2-210 Commission on Aging

(a) Summary of General Responsibilities: There shall be a Commission on Aging which shall study the needs of and coordinate programs for the elderly and aging in the Town and 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. The Commission shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms

(1) The Commission shall consist of 9 regular members and 3 alternate members.

(2) The term of office shall be three years for regular members and two years for alternate members.

2-215 Cultural Arts Commission

(a) Summary of General Responsibilities: There shall be a Conservation Commission for the development and conservation of natural resources within the territorial limits of the Town. The Commission shall advise on the appropriate use and management of the natural resources for the Town of Newtown. The Commission shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms

(1) The Commission shall consist of nine members.

(2) The term of office shall be three years.

2-220 Economic Development Commission

(a) Summary of General Responsibilities: There shall be an Economic Development Commission which will seek to implement orderly and planned economic development while always keeping in mind the character of the Town and shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms of Service

(1) The Commission shall be composed of nine members

(2) The term of office shall be three years. No person shall be appointed to more than two consecutive full terms.

2-225 Parks and Recreation Commission

(a) Summary of General Responsibilities: The Parks and Recreations Commission shall be charged with the care, management and supervision of all public parks and other areas set aside by the Town for recreational purposes or donated to the Town for such use. It shall undertake and develop such recreational program or programs as the needs of the Town require, provided there is an appropriation or private donations have been received for this

purpose. The Commission shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms of Service

(1) The Parks and Recreation Commission shall consist of 7 members.

(2) The term of office shall be three years. <<<Why the change from 2 years??>>>

(c) The Parks and Recreation Commission is empowered to appoint ad hoc committees to assist with special projects.

2-230 Inland Wetlands Commission

(a) Summary of General Responsibilities: There shall be an Inland Wetlands Commission 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. The Commission shall have other powers consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms

(1) The Commission shall consist of seven members.

(2) The term of office shall be three years.

2-235 Building Appeals Board

(a) Summary of General Responsibilities: The Board of Building Appeals shall hear appeals related to all building matters. The Board shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms of Service

(1) The Commission shall be composed of five members.

(2) The term of office shall be five years.

(3) No person shall be appointed to more than two consecutive full terms.

(4) 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.

2-240 Board of Ethics

(a) Summary of General Responsibilities: Board of Ethics shall administer the Code of Ethics, 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 as set forth in CHAPTER 9. The Board shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms of Service

(1) The Board of Ethics shall be composed of six regular members and two alternate members.

(2) The term of office shall be four years.

(3) Members shall serve no more than two terms. In no event may any member serve said Board more than eight years in succession. Any member having served said Board for

eight years in succession shall be ineligible for reappointment for two years after last serving on said Board.

- (4) Each member shall serve until his/her successor has been appointed.
- (5) No member shall serve more than two full terms except to accommodate 2-240(b)(4).
- (6) A quorum shall consist of four members.

2-245 Public Building Site Commission

- (a) Summary of General Responsibilities: The Public Building and Site Commission shall have control of supervision and construction of building projects including the improvement of lands, major new construction, alterations or extensions, furnishing or equipping of a building to be used for public purposes. The Commission shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance. <<<**The original land clause, "including the acquisition and improvement of land thereto and with improvements thereon, if any" is more limited in scope. It only includes land connected with a building.**>>>
- (b) Membership and Terms of Service
 - (1) The Commission shall be composed of seven members and two alternate members.
 - (2) The term of office shall be four years.
- (c) The Public Building and Site Commission is empowered to appoint ad hoc committees to assist with special projects.

2-250 Conservation Commission

- (a) 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. The Commission shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.
- (b) Membership and Terms
 - (1) The Commission shall consist of 7 members.
 - (2) The term of office shall be four years.

2-255 Board of Trustees of the Cyrenius H. Booth Library

- (a) Summary of General Responsibilities: The Cyrenius H. Booth Library shall be operated by the Board of Trustees and the Trustees shall have the status, powers and duties set forth in Special Act No. 108 of the 1931 session of the General Assembly as amended by Special Act No. 110 of the 1959 session of the General Assembly, which acts shall remain in full force and effect, except to the extent superseded or revised by this Charter.
- (b) Membership and Terms
 - (1) The Board of Trustees shall consist of 16 members of which eight shall be appointed by the First Selectman with the approval of the Board of Selectmen. The remainder shall be elected by the vote of the remaining Trustees present and voting at a meeting warned for the purpose.
 - (2) The term of office shall be four years.

- (3) Trustee shall serve no more than two terms. In no event may any trustee serve more than eight years on the Board in succession. Any trustee having served for eight years in succession on said Board shall be ineligible for reappointment for two years after last serving on said Board.

2-260 Justices of the Peace

- (a) Summary of General Responsibilities: The powers and responsibilities of the Justices of the Peace include but are not limited to general oath giving powers, taking of acknowledgments, joining persons in marriage, and taking depositions. Justices of the Peace shall have other powers and duties consistent with the General Statutes.
- (b) There shall be 15 justices of the peace, serving 4 year terms, selected in accordance with and having the powers and duties prescribed by the General Statutes. Formerly 8-20.

2-265 Lake Lillinonah Authority

- (a) Summary of General Responsibilities: The Town shall participate in the Lake Lillinonah Authority 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.
- (b) Membership and Terms
 - (1) Member Towns shall be the Town of Newtown and can be other towns having Lake Lillinonah within their territorial limits.
 - (2) The Authority shall be composed of three delegates from each member town.
 - (3) The term of office shall be three years.

2-270 Lake Zoar Authority

- (a) Summary of General Responsibilities: The Town shall participate in the Lake Zoar Authority 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.
- (b) Membership and Terms
 - (1) Member Towns shall be the Town of Newtown and can be other towns having Lake Zoar within their territorial limits.
 - (2) The Authority shall be composed of three delegates from each member town.
 - (3) The term of office shall be three years.

2-275 Newtown Health District Health Board

- (a) Summary of General Responsibilities: The Newtown District Health Department Board shall 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. The Board shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.
- (b) Membership and Terms

(1) Each municipality and/or Borough which has voted to become part of the District shall, by its Board of Selectmen, appoint a representative(s), based on population, to serve on the District Board of Health and may appoint an alternate to serve in the absence of this representative.

(2) The term of office shall be three years.

2-280 Pension Commission

(a) Summary of General Responsibilities: There shall be a Pension Committee, as established by ordinance, which shall perform the duties set forth in the Other Post-Employment Benefits (OPEB) Trust Agreement, as amended from time to time, relating to the management of the assets held in the OPEB Trust. The Commission shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms

(1) The Committee shall be composed of seven members.

(2) The term of office shall be two years.

2-285 Public Safety Committee

(a) Summary of General Responsibilities: The Public Safety Committee shall review correctional safety and security issues at Garner Correctional Facility which affect the town of Newtown. The Committee shall have other powers and duties consistent with the General Statutes.

(b) Membership and Terms

(1) The Committee shall be composed of the warden or superintendent of the correctional facility. Other representatives shall be filled by the First Selectman in accordance with subsection 2-201(a) of this Charter.

(2) <<<Terms??>>>

2-290 Water and Sewer Authority

(a) Summary of General Responsibilities: The Water and Sewer Authority shall plan and direct the development, acquisition, financing, construction, operation and maintenance of such water supply and distribution systems and sewerage systems as may be required to properly serve the needs of the Town. The Authority shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms

(1) The Authority shall be composed of seven members two of which shall be made on the recommendation of the Board of Burgesses of the Borough of Newtown.

(2) The term of office shall be four years.

2-295 Sustainable Energy Commission

(a) Summary of General Responsibilities: The Sustainable Energy Commission shall identify, implement, and support renewable energy use, energy efficiency, and energy conservation programs in which the Town's residents, businesses, organizations, and Town agencies can participate and that may result in cost savings to the Town or school district. The Commission shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms

- (1) The Commission shall be composed of nine members.
- (2) The term of office shall be four years.

2-300 Self-Funded Health Insurance Fund Commission

(a) Summary of General Responsibilities: The Self-Funded Health Insurance Fund Commission shall be the stewards of the Self-Funded Health Insurance Fund. The Commission shall have other powers and duties consistent with the General Statutes and as prescribed by ordinance.

(b) Membership and Terms

- (1) The Commission shall be composed of three regular members and two alternate members.
- (2) The term of office shall be three years.
- (3) No person shall be appointed to more than two consecutive full terms.

CHAPTER 3 ELECTIONS

3-05 Town Elections

- (a) The election of Town officials, shall take place on the Tuesday after the first Monday of November of the odd numbered years (the "Town Election"), during such hours as are established by the General Statutes.
- (b) Special Town Elections may be called in accordance with the General Statutes.

3-10 Voting Districts

- (a) There shall be 3 districts from which Legislative Council members are elected.
- (b) The districts as presently established shall continue until the assembly and senatorial districts of the State of Connecticut are revised in accordance with Article Third, Section 6 of the Constitution of Connecticut. Within 60 days of the completion of said revision, the Registrars of Voters shall prepare proposed Legislative Council district lines for 3 districts having as nearly equal population as is practicable. Within 6 months of the completion of each such assembly and senatorial redistricting, the Legislative Council shall adopt, by 7 affirmative votes, final Legislative Council district lines.

3-15 Electing Boards and Commissions

- (a) At each regular Town Election, there shall be elected:
 - (1) a Board of Selectmen consisting of the First Selectman and 2 Selectmen;
 - (2) a six member Board of Finance; <<<BoF has been amended to 4 year terms.>>>
 - (3) a Legislative Council of 12 members;
 - (4) three alternate members of the Planning and Zoning Commission;
 - (5) three alternate members of the Zoning Board of Appeals; and
 - (6) two members of the Board of Managers of the Edmond Town Hall.

- (b) At each regular Town Election members of the Board of Education, the Planning and Zoning Commission, Board of Assessment Appeals, Zoning Board of Appeals and the Police Commission shall be elected and the number to be elected shall be determined by the number of members whose terms expire on or before the December 1st after the election.
- (c) At the regular Town Election following the Presidential Election, the Town Clerk shall be elected.
- (d) At the Presidential election, there shall be elected Registrars of Voters

3-20 Elections for Vacated Seats

- (a) All vacancies in elective office shall be filled at the next regular Town Election, except where prohibited by the General Statutes or at a special election called as provided in Section 9-164 of the General Statutes by the Board of Selectman or by application of electors.
- (b) The person appointed pursuant to Section 2-31 (c) or (d) to fill a vacancy in an elective office shall serve only until a successor is elected to fill the vacancy at a special election or at the next regular Town Election and has qualified. A person elected to fill a vacancy and a person appointed to fill a vacancy, which is not to be filled at the next regular Town election because such election is prohibited by the General Statutes shall serve the remainder of the term.

3-25 Referendum

- (a) An Annual Budget Referendum shall be held on the fourth Tuesday of April for adoption of the Town Budget. If necessary, additional budget referenda shall be held as provided in Section 6-25. The Legislative Council may recommend a referendum to approve Special Appropriations in excess of the Legislative Council's authority under Section 6-35.
- (b) There shall be a right of petition for a referendum from any of the following:
 - (1) any Special Appropriation made by the Legislative Council pursuant to Section 6-35 of this Charter;
 - (2) any proposed ordinance rejected, enacted, modified and enacted or repealed by the Legislative Council pursuant to Section [TBD] of this Charter; and
 - (3) any vote to acquire, reserve or dispose of real property or an interest in real property pursuant to subsections [TBD] inclusive, of Section [TBD] of this Charter.
- (c) The exclusive procedure to obtain a referendum authorized by subsection 2-25(b) shall be by petition signed by at least 5% of the electors listed in the last-completed registry list and filed no later than the close of business on the seventh day following the date on which the Legislative Council acted. The seven day period commences on the day that notice of the action of the Legislative Council is filed with the Town Clerk, unless the notice is filed after 12 Noon in which case the period will commence on the next business day.
- (d) The form of any petition shall be submitted to the Town Clerk prior to being circulated and shall include the following:
 - (1) The entire resolution acted upon by the Legislative Council that the petitioners desire to have acted upon by referendum.
 - (2) A statement of the action the Legislative Council took with regard to such resolution.
 - (3) A statement that the undersigned petitioners are opposed to the action of the Legislative Council and petition that the resolution be presented to the voters.

- (4) A circulator's statement meeting the requirements of the General Statutes shall appear on every sheet on which a petitioner's signature appears.
- (5) The date on which the circulator began to circulate the petition shall be set forth in the statement of the circulator.
- (e) No signatures on any petition circulated prior to the taking of action by the Legislative Council shall be counted in determining whether sufficient signatures have been received to force a referendum.

CHAPTER 4 ADMINISTRATIVE OFFICERS

4-05 Finance Director

- (a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council, shall appoint a Financial Director to an indefinite term. The First Selectman, Board of Selectmen and Legislative Council shall choose and consider all candidates for the position of Financial Director solely on the basis of such candidate's professional qualifications, character, training and experience in the field of financial management.
- (b) The powers, duties and responsibilities of the Financial Director shall be as follows:
 - (1) He/She shall keep all books of account of the Town and shall establish and maintain a general cost accounting system for all Town Departments including the Board of Education, consistent with all State Laws and subject to the regulations adopted by the Board of Finance and approved by the Legislative Council. As part of this accounting system, he/she shall keep a separate account for each appropriation showing the amount of the appropriation, the amounts paid or transferred to it, the unpaid obligations against it and the unencumbered balance of the appropriation, and of any allotments thereof;
 - (2) He/She shall have all of the powers and duties imposed by the General Statutes or by special act or law on town treasurers, and shall be Treasurer of all trust funds held by the Town;
 - (3) He/She shall receive and have custody of all funds belonging to or under the control of the Town or any Town department or officer and shall make such deposits or investments as he deems in the best interest of the Town within the limits imposed on such deposits or investments by the General Statutes. In addition, he/she shall be responsible for the safekeeping of all bonds and notes owned by the Town and for the receipt and delivery of such bonds and notes for transfer, registration and exchange;
 - (4) He/She shall determine when to issue notes or bonds authorized by the Town Meeting or Legislative Council. Bids for such notes or bonds must be sought from at least 3 lending institutions for all borrowings and the net bid most favorable to the Town must be accepted, unless the Financial Director believes that it is in the best interest of the Town to reject all such bids, in which case all such bids may be rejected. He/She shall require all Town Departments and officers to report and remit all receipts to him as often as he/she may deem desirable but not more often than daily; He/She may re-negotiate bond sales used to refund and restructure options when it is financially advantageous. The re-negotiation may be done without securing bids.
 - (5) No disbursements of Town funds shall be made, except as authorized by the Financial Director. Before any such funds are spent or any appropriation is encumbered or any contract is entered into, a purchase order signed by the department head or other

person authorized to expend the funds shall be submitted to the Financial Director for approval. When funds appropriated to the office of the Financial Director are spent or encumbered, purchase orders there for shall be signed by the First Selectman or, in his/her absence, the Chairman of the Board of Finance. The Financial Director shall approve any purchase order, provided there are funds remaining in the account appropriated for the purpose disclosed by the purchase order and provided, further, the purchasing procedures adopted by the Board of Finance and approved by the Legislative Council have been followed;

- (6) The Financial Director shall prepare an analysis of all budget requests submitted as part of the preparation of the Annual Budget, said analysis to be submitted in a timely fashion to the Board of Finance insofar as the requests of the Board of Education are concerned and to the Board of Selectmen on all other requests. A similar analysis shall be provided to the Legislative Council on all requests for special appropriations or transfers submitted to it or initiated by it. He/She shall prepare a financial impact statement in accordance with Section 6-100 of this Charter to be provided to the Board of Selectmen and Legislative Council.
 - (7) The Financial Director shall maintain a 5 year capital improvement plan in accordance with the regulations (see 7-51) of the Legislative Council and shall submit an updated version of such plan to the Board of Finance and Legislative Council no later than the fifteenth day of January of even-numbered years.
 - (8) He/She shall prepare a cost analysis of all labor contracts, pension plans and insurance plans prior to the signing of any such contracts or plans. He/She shall assist in all labor negotiations. He/She shall serve as a consultant to the labor negotiators representing the Town.
- (c) The Financial Director, in conjunction with the First Selectman, shall be the purchasing authority for all supplies and contracts for services, except professional services needed by the Town, including supplies needed by the Board of Education where those supplies are of a type which are also used by Town departments other than the Board of Education. Nothing herein shall be construed to limit the Board of Education from requesting the purchasing authority to purchase supplies of a type not used by other Town departments, in which case the purchasing authority shall carry out the purchase requested. All purchasing carried out by the purchasing authority shall be carried out in accordance with the regulations adopted by the Legislative Council. Said regulations shall be reviewed biennially by the Legislative Council.
 - (d) The Financial Director, with the approval of the First Selectman and Board of Selectmen and within the limits of the appropriations made to his/her office, may hire qualified employees to whom he/she may delegate specific functions of the aforesaid duties. However, he/she shall at all times remain fully responsible for carrying out the duties and responsibilities imposed upon him/her by this Charter.
 - (e) In carrying out his/her duties, the Financial Director shall be responsible to the Board of Selectmen or the Legislative Council as set forth in Chapter 6 of this Charter.
 - (f) The First Selectman, with the approval of the Board of Selectmen and with the approval of the Legislative Council after a hearing before the Council, may remove the Financial Director from office, with or without cause.

4-10 Tax Collector

- (a) The First Selectman, with the approval of the Board of Selectmen, shall nominate and appoint a Tax Collector to a term of 4 years commencing the first day of February of 1990 and every February first every 4 years thereafter. The First Selectman and the Board of Selectmen shall choose and consider all candidates for the position of Tax Collector solely on the basis of such candidate's professional qualifications, character, training and experience. The Tax Collector need not be a resident of the Town. The person appointed to fill the vacancy shall serve the balance of the unexpired term only. The Tax Collector shall have the powers, duties and compensation set forth in the provisions of Section 5-10 (b) of this Charter. The First Selectman, with the approval of the Board of Selectmen, may remove the Tax Collector from office for cause in accordance with the provisions of Section 4-40 of this Charter.
- (b) The Tax Collector shall exercise the powers and duties of a Tax Collector as provided by the General Statutes, except as hereinafter provided, and shall perform such other duties as required by this Charter. The receipts to be paid to the Tax Collector 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 and the Tax Collector shall file with the Financial Director a full statement of such receipts monthly. The Tax Collector shall also keep a record of receipts in his/her office which shall show the name of each person from whom money is received, the amounts thereof, and for what received. The expenses of the office will be provided for in the usual budgetary manner.
- (c) The Tax Collector shall receive a salary in lieu of all fees and other compensation.

4-15 Town Assessor

- (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint an Assessor to a term of 4 years who shall be chosen solely on the basis of professional qualifications, character, training and experience. The Assessor need not be a resident of the Town. Expiration of each 4 year term shall be computed from expiration of the initial term on February 28, 1972. The person appointed to fill a vacancy shall serve the balance of the unexpired term only. The Assessor shall have the powers and duties prescribed for the office by ordinance and the General Statutes. The First Selectman, with the approval of the Board of Selectmen, may remove the Assessor from office for cause in accordance with the provisions of Section 4-40 of this Charter.
- (b) The duties and responsibilities of the office, the minimum qualifications for office and the methods to be used in the selection of the Assessor, including methods and agencies of administration of professional examinations, shall be prescribed by ordinance.
- (c) The Board of Selectmen may remove the Assessor from office for cause in accordance with the provisions of Section 4-40 of this Charter.

4-20 Building Inspector

- (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint a Building Official for a term of 4 years. The Building Official shall have the qualifications prescribed by the General Statutes and shall have such other qualifications as may be prescribed by ordinance of the Board of Selectmen. The Building Official shall have such powers and duties as may be prescribed by ordinance and by the General Statutes.

4-25 Town Attorney

- (a) The First Selectman, with the approval of the Board of Selectmen, may appoint one or more Town Attorneys to furnish such legal services to the Town and its departments as the First Selectman authorizes.
- (b) The Legislative Council Chairman may appoint, with the approval of the affirmative vote of 8 members of the Legislative Council, an attorney to furnish legal services to the Legislative Council.

4-30 Civil Preparedness Director

- (a) The Civil Preparedness Director shall be appointed in accordance with the General Statutes.

4-35 Department of Public Works

- (a) There shall exist within the Town a Department of Public Works administered by such employees having such supervisory and administrative functions as may be determined by the First Selectman, with the approval of the Board of Selectmen. The Department of Public Works shall perform such functions regarding the construction and maintenance of highways and the construction and maintenance of Town owned buildings and grounds, other than the Cyrenius H. Booth Library, the Edmond Town Hall and buildings the operation and control of which is vested in the Board of Education, as are assigned to it by the Board of Selectmen. Nothing herein shall be deemed to limit the First Selectman with the approval of the Board of Selectmen from hiring independent contractors to perform such maintenance and construction. The Department of Public Works shall perform such maintenance on the Cyrenius H. Booth Library, the Edmond Town Hall and buildings subject to the operation and control of the Board of Education as is requested by the Trustees of the Cyrenius H. Booth Library, the Board of Managers of the Edmond Town Hall and the Board of Education, provided funds have been appropriated or transferred to the account of the Department of Public Works as are necessary to fulfill the requests of said Trustees and Boards.

4-40 Employees

- (a) The First Selectman may establish hours of work, set wages or salaries within the range set by the Board of Selectmen, and hire, suspend or dismiss employees of the Town, except employees of the Board of Education and employees whose employment and removal are otherwise provided for by this Charter or by the General Statutes. The First Selectman may, by written order, delegate this power to other Departments of the Town with respect to employees of such Departments.
- (b) Uniform procedures for the recruitment and removal of any class of employees which the First Selectman may hire, suspend or dismiss, a general merit system and a pension plan for employees of the Town may be established by ordinance.
- (c) All paid appointed employees of the Town shall report to the First Selectman for administrative purposes.
- (d) Any employee who has been suspended or dismissed by the First Selectman and for whom no grievance procedure is provided in a collective bargaining agreement may within 15 days of his removal, request in writing a hearing before the Board of Selectmen which hearing shall be held within 15 days from the date of receipt of such request. The employee may appear at the hearing with counsel. The Board of Selectmen shall, within 15 days of the date of the hearing, act to affirm, modify or reverse the action of the First Selectman.

4-45 Regular Constables

- (a) Not more than 7 constables shall be appointed by the First Selectman with the approval of the Board of Selectmen for a term of 2 years with no more than a bare majority from any one political party, and they shall have the powers and duties prescribed for constables by this Charter and the General Statutes.

4-50 Other Officers and Departments

- (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint such other officers, committees or commissions as are required by the General Statutes.
- (b) The First Selectman, with the approval of the Board of Selectmen, may appoint such other officers as are authorized by the General Statutes or by ordinance, subject to the provision of necessary appropriations.
- (c) The First Selectman with the approval of the Board of Selectmen may establish and maintain, subject to the provision of necessary appropriations, other departments for the administration of functions of the Town.

CHAPTER 5 LEGISLATIVE PROCESSES

5-05 Ordinances

- (a) The Legislative Council, by majority vote consisting of at least 6 affirmative votes, shall have the power to make, alter and repeal ordinances not inconsistent with the Constitution or General Statutes of the State of Connecticut or the provisions of this Charter, for the execution of the powers now or hereinafter vested in the Town for the government of the Town and management of its affairs, the preservation of good order and for the peace, health, welfare and safety of its inhabitants and the protection and security of their property.
- (b) Prior to action on an ordinance by the Legislative Council it shall conduct a public hearing at which all persons interested shall be given a reasonable opportunity to be heard on the proposed ordinance.
- (c) Notice of the date, time and place of said hearing and the full text of any proposed ordinance shall be published in a newspaper having a substantial circulation in the Town at least 10 days before the day on which such hearing is to be held.
- (d) Action by the Legislative Council, either repealing, enacting, or modifying and enacting, or refusing to enact a proposed ordinance shall be taken within 30 days of the hearing held thereon.
- (e) Following action by the Legislative Council, notice of said action shall be published in a newspaper having a substantial circulation in the Town within 21 days of such Legislative Council action and filed with the Town Clerk. If the ordinance was modified and enacted as modified, notice of such action shall include publication of the full text of the ordinance as enacted.
- (f) Any ordinance enacted shall not become effective sooner than 14 days after the date of publication of such notice and, if no other date is given as the effective date of such ordinance, shall become effective on the fifteenth day after publication. If a referendum is called in accordance with the provisions of Section 7-100 of this Charter, the effective date of such ordinance shall be suspended until the date of the day after the referendum.

- (g) The Town may enact ordinances relative to any matter on which the Town is empowered to act by law. If the Borough of Newtown has enacted an ordinance on the same subject, the ordinance enacted by the Town shall apply only to the portions of the Town outside the Borough.

5-10 Regulations

- (a) Where regulations of the Legislative Council are authorized by this Charter, they shall be adopted, amended or repealed by majority vote of the Legislative Council, consisting of at least 6 affirmative votes. Any proposed regulation, amendment or repeal shall be referred to the Board of Selectmen for comment and consultation prior to action. A similar reference shall be made to the Board of Education, departments or the Financial Director if their interests are affected.
- (b) Following action by the Legislative Council, the full text of the regulation adopted or as amended shall be filed with the Town Clerk within 10 days of such action. Regulations enacted or amended shall become effective on the fifteenth day after such action. The development of the regulation governing the five year Capital Improvement Plan and any subsequent amendments to the regulation shall be the duty of the Legislative Council.

5-15 Emergency Ordinances

- (a) Any provision of this Charter to the contrary notwithstanding, the Legislative Council may by the affirmative vote of two-thirds of its entire authorized membership, enact emergency ordinances without a public hearing and without publication or other notice prior to enactment and without the right of the voters to petition for a referendum. The reasons for such emergency shall be stated explicitly in the vote of the Legislative Council enacting such ordinance and the preamble of the ordinance shall set forth the existence and nature of the emergency and that the enactment of the ordinance is necessary for the immediate protection of the peace, health, welfare or property of the citizens of the Town. An emergency ordinance shall become effective immediately upon the publication thereof in a newspaper having a substantial circulation in the Town and upon filing of the same with the Town Clerk. An emergency ordinance shall cease to be effective upon the expiration of a period of 60 days after its publication unless the ordinance shall be reenacted prior to the expiration of said period in accordance with the requirements set forth in Section 7-50 of this Charter, which action shall be subject to the right of referendum as set forth in Section 7-100 of this Charter.

5-20 Right of Referendum

- (a) Any proposed ordinance rejected, enacted, modified and enacted or repealed by the Legislative Council pursuant to Section 7-50 of this Charter shall be subject to a referendum in accordance with this section.

CHAPTER 6 BUDGET PROCESSES

6-01 General Provisions

- (a) Definitions. The following terms shall have the meaning ascribed to them in the referenced section of this Charter:
 - (1) Board of Education Budget - 6-05 (a)
 - (2) First Selectman's Budget - 6-05 (b)
 - (3) Board of Selectmen's Budget - 6-05 (b)

- (4) Recommended Board of Finance Budget – 6-15 (c) (3)
- (5) Town Budget – 6-20 (c)
- (6) Annual Budget Referendum – 6-25 (a)
- (7) Special Appropriation – 6-35 (a)
- (8) Emergency Appropriation - 6-35 (a)

6-02 The Budget Conference

- (a) Prior to November 1st, town officials responsible for the budget should meet at reasonably convenient times and confer. The conferees should discuss and review the status of the existing budget, existing programs, goals that are desirable to achieve, expenditures required to achieve such goals, the affordability of required expenditures and other subjects relevant to the budget. The conferees shall include the First Selectman, Superintendent of Schools, the Chair of the Legislative Council and all or selected members of the Board of Selectmen, Board of Education, Board of Finance and up to three additional members of the Legislative Council.

6-05 Preparation of the Board of Selectmen and Board of Education Budget Proposals

- (a) Not later than February 14th, in such form and with such supporting data as the Board of Finance shall require, the Board of Education shall submit to the Board of Finance an itemized estimate of expenditures proposed for the provision and maintenance of good public elementary and secondary schools and an itemized estimate of all revenue other than Town appropriations to be received by the Board of Education for its use during the next fiscal year (the “Board of Education Budget”).
- (b) At such time and in such manner as the First Selectman may require, ~~not later than December 1st,~~ every ~~other~~ Department of the Town ~~other than the Board of Education~~ shall present to the First Selectman an itemized estimate of the expenditures to be made by and revenues to be received by such departments during the next fiscal year. After such revisions as the First Selectman may make, the First Selectman shall submit a comprehensive estimate of expenditures, (the “First Selectman’s Budget”) to the Board of Selectmen by February 1st. The estimates shall be accompanied by such other reports and information as the Board of Selectmen may require. The Board of Selectmen shall then revise the estimates, as it deems desirable and submit the revisions to the Board of Finance in such form and with supporting data as the Board of Finance shall require no later than February 14th. (the “Board of Selectmen’s Budget”).

6-10 Role of the Finance Director

- (a) The Finance Director shall advise all the Departments of the Town participating in the budget process at such times and manner as they may reasonably request.
- (b) The Finance Director shall ~~maintain~~ create and maintain a budget document throughout the budget process described in sections 6-05 through 6-25. Said document shall be comprised of the proposed Board of Selectmen Budget and including to the extent allowed by the Connecticut General Statutes the and a single line item representing the proposed Board of Education ~~Budget~~ appropriation. Estimable revenues, including sources of such revenues and an estimated tax levy shall be added by the Finance Director to the budget document.

~~(c) The Finance Director shall maintain the budget document throughout the budget process described in sections 6-05 through 6-25, amending said document as required by the Board of Selectmen, Board of Finance and the Legislative Council.~~

~~(d)~~(c) The Finance Director shall be responsible for causing the publication of the proposed budgets whenever publication is required by the provisions of this Charter.

6-15 Financial Review of the Proposed Budgets by the Board of Finance

- (a) The Board of Finance shall conduct a public hearing not later than the first Wednesday in March on the proposed budgets and at said hearing or any adjournment thereof it shall hear all Resident Electors or taxpayers who may desire to be heard relative to the proposed budgets.
- (b) The proposed budgets shall be ~~published in a newspaper having a substantial circulation in the Town warned per section 2-205(a)(1) above~~~~1-30(a)2-205(a)2-205(a)(1) above~~ not later than five (5) days prior to said hearing. The publication shall include the proposed budgets showing in parallel columns, for each item, the sum budgeted for the current fiscal year, the sum expended for the prior fiscal year and the sum proposed for the fiscal year and the estimated tax rate for the fiscal year.
- (c) The Board of Finance shall hold working sessions and shall revise the proposed budgets as it deems desirable. The Board of Finance shall:
- (1) Make such changes in any estimates or appropriations contained in the proposed budgets as it may deem proper;
 - (2) Add appropriations or estimated revenues not contained in the proposed budgets; and
 - (3) Prepare a complete financial plan for the ~~current~~ operations of the Town for the next fiscal year (the "Recommended Board of Finance Budget") which shall contain at least the following:
 - (i) A simple, clear, general summary of the contents, showing estimated revenues and total appropriations equal in amount;
 - (ii) The proposed expenditures in detail including provisions for any adjustments to the unassigned fund balance for the prior fiscal year, for debt service requirements, and for all other expenditures for the next fiscal year, including an appropriation for contingencies to be met from current revenues. All proposed expenditures should be classified in such manner as the Board of Finance deems desirable;
 - (iii) The estimated proposed revenues and the amount required from taxes, which shall be the amounts expected to be received during the next fiscal year; and
 - (iv) An itemized comparative statement by classification of all actual expenditures and receipts during the last completed fiscal year and the budget appropriations for the current fiscal year as revised to a recent specified date, together with estimated revenues for the current fiscal year.
 - (d) The Board of Finance shall submit to the Legislative Council its Recommended Board of Finance Budget for the next fiscal year by March 14th.

Comment [JC1]: Do we need "and"s to make all of these items required?

6-20 Preparation of the Proposed Town Budget by the Legislative Council

- (a) Upon receipt of the Recommended Board of Finance Budget, the Legislative Council shall cause sufficient copies thereof to be made available for general distribution in the office of the Town Clerk and shall hold a public hearing thereon not later than the last Wednesday in

March each year. At least five (5) days prior to said hearing, a notice of the public hearing together with a summary of the budget recommended by the Board of Finance showing proposed expenditures, anticipated revenues by major sources, and the amount of revenue to be raised, shall be ~~published in a newspaper having a substantial circulation in the Town warned per section 2-205(a).~~

- (b) The Legislative Council shall have the following powers with respect to approval of any item in the proposed Town Budget:
- (1) It shall have the power to reduce any item by a majority ~~vote of the Legislative Council~~ of at least six (6) affirmative votes~~s; and~~
 - (2) It may increase any item or add items above those provided in the ~~Recommended~~ **Recommended** Board of Finance Budget ~~only on a two-thirds affirmative by an affirmative vote of the at least (8) entire membership of the Legislative Council;~~
 - (3) The Legislative Council may only add or increase items up to the amounts included in the proposed Board of Selectmen and the Board of Education Budgets, ~~as-inclusive of any amendments made in 6-20(f)amended.~~
- (c) No later than the second Wednesday in April, the Legislative Council shall approve a proposed Town Budget to be submitted for final adoption at the Annual Budget Referendum (the "Town Budget"). If the Legislative Council shall not have approved a proposed Town Budget on or prior to said date, then the Recommended Board of Finance Budget shall be submitted for adoption at the Annual Budget Referendum.
- (d) If the Board of Finance shall fail to submit a Recommended Board of Finance Budget to the Legislative Council by March 14th, then the proposed Board of Selectmen and Board of Education Budgets shall be considered by the Legislative Council. The Legislative Council shall hold a public hearing on the budgets proposed by the Board of Selectmen and the Board of Education, together with ~~proposed-estimated~~ revenues, after giving notice and publication, all as set forth in Section ~~6-20(a)6-20 (a)~~. The Legislative Council shall have, when considering and acting upon the proposed Board of Selectmen and Board of Education Budgets, the same powers granted to the Board of Finance under the provisions of Section 6-15 (c), and shall exercise said powers by a majority of at least six (6) affirmative votes.
- (e) If the Legislative Council approves a project in the Capital Improvement Plan for appropriation and funding for an amount that exceeds the Legislative Council's authority, as established in section 6-35 (e), the Legislative Council shall use its best efforts to have the appropriation for the project added to the ballot for the Annual Budget Referendum.
- (f) Prior to the final approval of a proposed Town Budget by the Legislative Council, the Board of Selectmen and the Board of Education may amend the proposed budget(s) submitted to the Board of Finance. If the amendments are approved by the Board of Finance, the Legislative Council shall vote on the amendments as if they were part of the Recommended Board of Finance Budget. Otherwise the amendments shall be voted on by the Legislative Council as either deductions, increases or additions, as the case may be, under section 6-20(b)(1), (2) and (3).

6-25 Annual Budget Referendum

- (a) The proposed Town Budget shall be submitted for adoption at a referendum to be held on the fourth Tuesday of April between the hours of 6:00 A.M. and 8:00 P.M. (the "Annual Budget Referendum"). Notice of the Annual Budget Referendum and any subsequent

referenda, as may be needed and the proposed Town Budget, together with the mil rate estimated to be necessary to fund ~~the proposed Town Budget~~ budget, shall be filed by the Legislative Council with the Town Clerk and ~~published in a newspaper having a substantial circulation in the Town warned per section 2-205(a)~~ at least five (5) days prior to the Annual Budget Referendum. At the Annual Budget Referendum, the proposed Town Budget shall be voted on in two ~~appropriations parts~~; one for the Board of Selectmen ~~budget~~, and one for the Board of Education ~~budget~~. The two ~~parts appropriations~~ shall be approved individually by a majority vote. The questions on the Annual Budget Referendum ballot shall be as follows:

Shall the sum of \$ __ be appropriated for the Board of Selectmen for the fiscal year?

Shall the sum of \$ __ be appropriated for the Board of Education for the fiscal year?

The Annual Budget Referendum ballots shall include two advisory questions as follows:

If the proposed sum of \$ __ for the Board of Selectmen is not approved, should the revised budget be higher?"

Yes ____

No ____

If the proposed sum of \$ ____ for the Board of Education is not approved, should the revised budget be higher?"

Yes ____

No ____

- (b) In the event one ~~part appropriation~~ fails and one is approved, the ~~part appropriation~~ that is approved shall be considered adopted. In the event that a majority of those voting do not approve one or both ~~part appropriations~~ of the proposed Town Budget, the Legislative Council shall amend only the non-approved ~~part appropriation~~ or ~~part appropriations~~ of the budget.

(1) The Legislative Council shall reconsider and amend the proposed Town Budget within seven (7) calendar days. When amending the Board of Selectmen Budget, the Legislative Council shall confer with the First Selectman and one or more members of the Board of Selectmen. When amending the Board of Education Budget, it shall confer with the members of the Board of Education. The Legislative Council ~~may also~~ shall request additional financial advice from the Board of Finance.

Subsection (b)(2), Presents two alternative ways to deal with the LC process after a budget is defeated at a referendum

- (2) The Legislative Council shall act on changes to a proposed Town Budget not approved, in whole or in part at a budget referendum by majority vote of the members present and voting.

Or alternative to consider

- (2) The Legislative Council shall act on changes to a proposed Town Budget not approved, in whole or in part at the Annual Budget Referendum as provided in section 6-20(b).
- (3) The amended proposed Town Budget shall be filed with the Town Clerk and presented for adoption by vote at a referendum, pursuant to paragraph 6-20(a), not more than fourteen (14) days following the date the proposed Town budget was filed with the Town Clerk. The ballot for each successive referendum shall include the applicable advisory question(s).
- (c) When a part of the proposed Town Budget is approved by referendum vote, the action is final and not subject to additional referenda. Similarly if one or more parts appropriations of the budget fail, paragraph (b) shall be repeated until both all budget appropriations parts are approved by referendum vote.
- (d) When a part or parts have been approved by majority vote, the Board of Selectmen and the Board of Education shall amend the proposed Board of Selectmen or the proposed Board of Education Budget(s) to reflect the voter approved appropriations, which amended budgets shall be available for public inspection.
- (e) In the event a Town Budget has not been adopted by July 1st, the Town may levy, collect and expend any monies in the manner provided for in the General Statutes.

6-26 Local Questions on Ballot

- (a) The Legislative Council, with at least 6 affirmative votes, may place local questions on the Annual Budget Referendum ballot.

6-30 Laying of Taxes

- (a) Following the adoption of the Town Budget for the next fiscal year, the Legislative Council shall meet and, with due provision for estimated and uncollectible taxes, abatements and corrections, shall lay such tax on the last completed Grand List at a mil rate that shall be sufficient, with the income from other sources, to meet the estimated expenses of the Town for the next fiscal year. The tax laid shall be based on facts known and estimates made at the time the Legislative Council acts and may be different from the mil rate estimated prior to the Annual Budget Referendum or any subsequent referendum even though the budget adopted is the same as the budget recommended to the Annual Budget Referendum or any subsequent referendum.
- (b) The Tax Collector shall collect the tax in accordance with the General Statutes. Taxes shall be delinquent and interest charged in accordance with Section 12-146 of the General Statutes and any amendments thereto. Real estate tax bills of \$50 or more shall be due and payable in 2 semi-annual installments, July 1 and January 1. Real estate taxes amounting to less than \$50 shall be due and payable July 1.

6-35 Special and Emergency Appropriations

- (a) A "Special Appropriation" is any appropriation of additional funds made during a fiscal year that is supplemental to an adopted Town Budget. An "Emergency Appropriation" is an appropriation required for an unforeseen or extraordinary event or threat to public health, safety, or welfare, or to the ongoing delivery of essential Town services. The Board of Finance shall have an opportunity to make a recommendation regarding a proposed Special Appropriation, but such a recommendation is not required for an Emergency Appropriation.

- (b) A request for a Special or Emergency Appropriation may be initiated by the First Selectman with the approval of the Board of Selectmen or by the Legislative Council. The request shall include an estimate of the funds required, the reasons therefore, and a proposed method of financing. Methods of financing include, without limitation, issuing notes or bonds of the Town or laying a special tax on the Grand List last completed. The Finance Director shall prepare a financial impact statement for requests for Special Appropriations.
- (c) If the First Selectman initiates an Emergency Appropriation request, the appropriation may be approved by a majority vote of the Legislative Council, otherwise the Emergency Appropriation must be approved by the affirmative vote of two-thirds of the entire authorized membership of the Legislative Council.
- (d) The Legislative Council shall request from the Board of Finance a recommendation as to whether or not a Special Appropriation, should be made. The Board of Finance shall provide such recommendation within 30 days of the request by the Legislative Council. After said 30 days, the Council may act on the request without a recommendation from the Board of Finance.
- (e) The Legislative Council shall have the power to make Special and Emergency Appropriations, in an amount not in excess of \$500,000 for any one purpose during a fiscal year. Said amount shall be cumulative during the fiscal year as to all appropriations related to said purpose. The total of Special and Emergency Appropriations made by the Legislative Council for all purposes during a fiscal year shall not exceed an amount equal to one half of one mil on the most recently completed Grand List.
- (f) The Legislative Council shall have the power to make Special Appropriations of any amount that is necessary to implement agreements reached through the process of collective bargaining.
- (g) The Legislative Council shall recommend to a Town referendum all Special and Emergency appropriations that equal or exceed the Legislative Council's authority. The Legislative Council, after consulting with the Finance Director, shall recommend a method of financing the Special or Emergency Appropriation that shall be included by the Board of Selectmen in the warning of the referendum.
- (h) If a Special or Emergency appropriation is voted for a purpose requiring the expenditure or encumbrance of funds during a fiscal year for which an annual budget has been adopted but the tax has not yet been laid in accordance with Section 6-30 (a) of this Charter, it may be financed by being included in the mil rate for said fiscal year.

~~(i) Whenever money is borrowed by the Town to fund an appropriation, whether a special appropriation or an appropriation in the annual Town Budget to be funded by borrowing, interest earned on the money borrowed prior to its expenditure shall be used to reduce the principal amount of the debt, unless the Legislative Council subsequently votes to increase the amount of the appropriation and use some or all of said interest earned to fund the increase.~~

~~(j) The Town may retain a cash surplus from year to year in an undesignated fund.~~

6-40 Grants or Other Financial Assistance

- (a) Grants and other forms of financial assistance, whether from the State of Connecticut, the United States or any other source, shall be subject to review for their financial impact on the Town. The Board of Selectmen, the Finance Director and the department requesting a grant or other form of financial assistance shall submit a financial impact statement to the

Legislative Council that evaluates the impact of the commitments and the conditions required of the Town by the grant or financial assistance on present and future Town Budgets, Town Plans for Development and Capital Improvement Plans. The Impact statement shall be submitted and reviewed before any action is taken that commits the Town to accept said grant or financial assistance.

6-45 Right of Referendum

- (a) Any special appropriation made by the Legislative Council pursuant to Section 7-80 of this Charter shall be subject to a referendum in accordance with this section.

CHAPTER 7 FINANCIAL PROCESSES

7-05 General Financial Process

- (a) The fiscal year of the Town shall begin on July 1st and end on June 30th of the following calendar year, starting July 1, 1965.
- (b) The system of accounts used by the Town departments shall be that prescribed by the General Statutes as supplemented by regulations adopted by the Board of Finance and approved by the Legislative Council and in accordance with generally accepted accounting practice.
- (c) All officers, boards, commissions and departments of the Town shall submit a report of their activities during the previous fiscal year to the Town Clerk prior to October 1. The Town Clerk shall prepare and publish the annual Town report as soon as practical thereafter.
- (d) The Legislative Council shall annually designate an independent, certified public accountant or his firm to audit the books and accounts of the Town as required by the General Statutes.

7-10 Role of the Finance Director

- (a) <<<Some subsections of 5-01 may make sense here>>>

7-15 Bonding

- (a) Every resolution for the issue of bonds shall provide for a tax levy for each year to meet all serial installments of principal and interest and such amounts shall be included in a tax levy for each year until said bond shall have been paid in full.

7-20 Disbursements/Purchases

- (a) The Board of Finance shall keep under review the expenditures of Town departments and shall by regulation prescribe periodic reports of expenditures for which purpose said Board of Finance shall have access to the books and records of any such department.
- (b) The regulations adopted by the Board of Finance and approved by the Legislative Council shall also designate the forms and procedures for purchase orders to be drawn on the Financial Director by the Board of Education and the Board of Selectmen.
- (c) All sums not in excess of \$50,000 which may become due and payable to the Town or any of its departments by virtue of any loss or damage suffered by persons or property entrusted to the care, supervision or management of any such department shall be

deposited in a special account and segregated by the Financial Director from the general fund of the Town. Thereafter, the Financial Director shall use such sums so segregated to pay any bills incurred in the course of repairing or replacing such loss or damage by the Town department in question, but such payments shall not exceed the lesser of the amount of money so deposited or the cost of repair or replacement. Any such money which is not so expended within one year from the date of its deposit shall cease to be segregated and shall be deposited in the general fund of the Town, unless the Town department which has incurred the loss or damage, notifies the Financial Director in writing before the expiration of said year that such repairs or replacements have been commenced or will be commenced within 90 days and will be completed on a date which will be specified in the aforesaid written notice, not to exceed 18 months.

- (d) Neither the Board of Selectmen nor the Board of Education shall draw any order upon the Financial Director unless there is sufficient money appropriated to pay for the object for which such order is drawn and each order shall designate the object for and the account upon which it is drawn. Said Financial Director shall not pay any order unless there are sufficient funds appropriated and available for such object. This section shall not limit in any way the power of the Board of Education to make transfers within its own budget. The Board of Education shall report transfers within its budget in writing monthly to the Financial Director.
- (e) No officer or department of the Town shall expend or vote to incur any liability or expense by contract or otherwise, or enter into any contract, which would obligate the Town to expend in excess of an approved departmental line item appropriation. For the purpose of this Charter, a line item means any expenditure for the current fiscal year to which the Board of Finance has assigned an appropriation account number. Any officer or member of a Town department who, without authority from this Charter or the General Statutes, expends or causes to be expended any money of the Town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town, as provided in the General Statutes.

7-25 Transfers

- (a) During the first 335 days of any fiscal year, the First Selectman and Financial Director may transfer unexpended and unencumbered balances of any appropriations within a department to another appropriation for the same department, which shall not exceed the sum of \$50,000.00. All transfers within a department that exceed the sum of \$50,000.00 shall require the approval of the Board of Finance.
- (b) Upon the request of the Board of Selectman, the Board of Finance may transfer any unencumbered appropriation, balance or portion thereof from one department to another, which shall not exceed the sum of \$200,000.00. When transfers between departments are proposed which exceed \$200,000.00, the proposed transfers require a recommendation by the Board of Finance and the approval of the Legislative Council. The Legislative Council shall not consider such proposed transfers unless accompanied by a recommendation from the Board of Finance or unless the Board of Finance shall have failed to make such a recommendation within fifteen (15) days after notification by the First Selectman of the action taken by the Board of Selectmen.
- (c) All appropriations or transfers from a contingency fund require a recommendation by the Board of Finance and the approval of the Legislative Council.

- (d) During the remainder of any fiscal year, upon request of Town departments, the Board of Finance shall have the power to transfer, without limitation, the unexpended and unencumbered balances of any appropriation for one department to an appropriation for another department with the approval of the Legislative Council.
- (e) Nothing contained in Section 7-25 of this Charter shall affect any appropriation contained in, or transfers within, the budget of the Board of Education.

7-30 Impact Statements

- (a) The Legislative Council in its regulations shall designate the form of the financial impact statement. No appropriation shall be made for such capital project, no grant shall be applied for and no gift of real or tangible personal property shall be accepted until the Board of Finance and Legislative Council have received said financial impact statement.

CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY

8-01 General Provisions

- (a) The Town shall have all the powers set forth in the Connecticut General Statutes (CGS) and in this Charter to acquire and dispose of real property.
- (b) Use of the words “real property” shall not be construed to limit any definition thereof from any source under Connecticut law, and shall include, without limitation, any interest in real property.

8-05 Acquisition of Real Property

- (a) The Town’s acquisition of real property includes any of the following methods:
 - (1) Required dedication to the Town for open space, highways or other purposes by the planning and zoning commission in connection with approval of the subdivision of land;
 - (2) For non-payment of taxes, including without limitation, by foreclosure [see section 12-181 CGS], by summary foreclosure [see section 12-182 CGS] or by sale by the tax collector to the town following a public auction which does not produce a bid in excess of the amount of tax, interest and fees due and owing on said parcel [see section 12-157(a), (c) & (f) CGS and section 7-93 of this Charter];
 - (3) By purchase from the owner or by gift by the owner; and
 - (4) By exercise of the Town’s power of eminent domain.
- (b) In acquiring real property the following procedure shall be used:
 - (1) The legislative council, subject to there being appropriations for the specific purpose in the annual budget or by special appropriation pursuant to section 7-80(a) of this Charter and following the recommendation of the first selectman with the approval of the board of selectmen, may authorize the purchase or acquisition, including without limitation the acceptance of gifts, with or without conditions, of real property for all Town purposes, except for real property acquired for non-payment of taxes [see section 7-93 of this Charter], real property required to be dedicated in connection with the subdivision of real property [see section C below] and acquisition of real property for public highways and related purposes [see section 3-30(a)(6) of this Charter].
 - (2) Before authorizing the purchase or acquisition of real property, and before accepting a gift of real property, the legislative council shall obtain a statement from the financial

director of the financial impact on the Town of owning said real property. The form of the impact statement shall be established by regulation of the legislative council. If the property proposed to be acquired is for purposes for which a mandatory referral is required by section 8-24 CGS, said referral shall be made before any further action is taken by the legislative council.

- (3) Following a decision by the legislative council to acquire such real property, the board of selectmen shall authorize an officer, board or commission to act on behalf of the Town in such acquisition.
- (c) The planning and zoning commission shall have the power to accept on behalf of the Town all open spaces, parks, playgrounds, real property for the purpose of widening or realignment of existing public highways, conservation easements, conservation restrictions, and easements for drainage, slope or similar purposes which it requires to be provided by a subdivider as a condition of subdivision approval. The subdivision map showing said real property, restrictions and easements shall not be filed in the town clerk's office until all deeds, easements and restrictions have been properly executed, title is free and clear of all encumbrances, approval by the commission is not subject to any right of appeal, the town attorney has notified the town clerk that said deeds, easements and restrictions meet said conditions and accomplish the purposes for which they are required, and said deeds, easements and restrictions, except for a deed for the road which is to become a public highway, are recorded concurrently with filing the subdivision map. Title to real property shall be conveyed by warranty deed.

8-10 Sale or Disposition of Real Property Acquired for Non-Payment of Taxes

- (a) After title to real property has been acquired by the Town for non-payment of taxes said real property shall be sold unless within 35 days thereafter the legislative council votes by a majority vote of its entire membership to examine whether said real property should be retained for a specific Town purpose. It shall circulate the proposal to the boards and commission listed in section 7-95 B below for a report as soon as it votes to examine retention of title. If the purpose for retention of the property is one for which a mandatory referral to the planning and zoning commission would be required by section 8-24 CGS if it were an acquisition of property instead of a retention, a referral to said commission to consider retention of the property shall be made concurrently with circulation of the proposal, following the procedure of section 8-24 CGS, whether retention of title requires a referral or not. If the legislative council has voted to examine the question of retention of title it shall have 90 days after title became absolute in the town to vote to retain title for a specific town purpose.
- (b) In the absence of a timely vote by the legislative council to examine the question of whether or not title should be retained, and in the absence of a timely vote by the legislative council finding that the real property should be retained for a specific town purpose, the first selectman shall sell said property, taking all steps required by the Connecticut General Statutes to sell or otherwise dispose of real property acquired for non-payment of taxes.

8-15 Sale or Disposition of Real Property Constituting Open Space

- (a) Conditions Precedent. Circumstances may be found to exist where real property originally acquired as open space in connection with approval of a subdivision by the planning and zoning commission no longer has value for purposes of open space. Unless ten years have passed since the subdivision map was filed in the town clerk's office, and unless the parcel,

or the parcel together with any open space contiguous thereto, is five acres or less, said open space shall not be sold.

- (b) The first selectman shall make and keep an inventory of all open space which meets the criteria set forth in paragraph A above, and said inventory shall be available for public inspection at the office of the first selectman and at the land use department.
- (c) Even if a parcel of open space meets said criteria it still may not be sold unless the legislative council makes a finding by a two-thirds vote of its entire authorized membership that said real property no longer has value for purposes of open space.
- (d) All proceeds from the sale of open space land shall be deposited in the Newtown Open Space Fund for the acquisition of other open space. If open space is exchanged for real property which the Town is acquiring which is not restricted as open space, the Town shall add to the Open Space Fund an amount equal to the amount of consideration provided to the transaction by the exchanged open space.

8-20 Procedure for the Sale of Real Property

The Town shall take the following steps in order to sell or otherwise dispose of real property:

- (a) The first selectman, with the approval of the board of selectmen, and the legislative council by a majority of the entire membership, may propose the sale, exchange or other disposition of Town owned real property. Before such a proposal is made the Town shall have the property appraised by a licensed real property appraiser who shall submit a written copy of the appraisal to the first selectman and the legislative council in confidence. If the proposal is to sell to, or exchange Town owned land with, an adjacent property owner the impact of the acquisition of the Town owned land on the value of the real property already owned by said owner shall be included in the appraisal in addition to the value of the land being exchanged. If the Town owned property being sold or exchanged is less than all the contiguous land owned by the Town, the appraisal shall also include the impact on the value of the remaining land. The appraisal shall not be disclosed to any other person while negotiations are ongoing, except that if the sale or exchange involves open space [see section 7-94 of this Charter] the appraisal shall be open for public inspection as soon as submitted to the first selectman. The appraisal shall also be open for public inspection if the proposal becomes the subject of a hearing or meeting open to the public.
- (b) If the first selectman or the legislative council decide to continue the process after receiving the appraisal, including where the property proposed to be sold or exchanged is open space, the proposal shall be circulated for comment to all boards and commissions having a interest in the sale or disposition of the real property in question, at a minimum the planning and zoning, inland wetlands, parks and recreation, conservation and economic development commissions. The legislative council may act immediately after receiving a written report from all the boards and commissions which received a referral, and it may act after 35 days have passed from the date the proposal was circulated whether or not a response has been received from all boards or commissions.
- (c) After the proposal to sell, exchange or otherwise transfer or dispose of real property has been circulated to the boards and commissions as required by sub-section B above, the proposal shall be referred by the board of selectmen or legislative council, as the case may be, to the planning and zoning commission for a report as required by section 8-24 CGS.
- (d) All sales, exchanges or other transfers or disposition of real property shall require approval of the legislative council. Prior to said approval, and after the report from the planning and

zoning commission on the mandatory referral pursuant to section 8-24 CGS has been issued (or the expiration of the time within which a report should be made), the legislative council shall hold the hearing on the proposal required by section 7-163e CGS. Notice of such hearing shall be given by posting a notice in the town clerk's office and on the town website, and on a sign located on the property, at least 15 days prior to the date of the public hearing, and by publication in a newspaper having a substantial circulation within the Town twice, the first not more than 15 nor less than 10 days prior to the date of the public hearing, and the second not less than 2 days prior to the hearing and not less than 2 days after the first publication.

- (e) After the mandatory referral and the section 7-163e hearing, the legislative council may vote to sell, exchange or otherwise dispose of said real property by the requisite number of votes, with or without conditions. This vote must include a finding that (A) the real property in question is excess land not needed for municipal purposes now or in the foreseeable future, or (B) the sale, exchange or disposition of the Town owned real property is for the purpose of facilitating acquisition of improved or unimproved real property for a project already funded which is more suited to accomplishing said project than the real property already owned, or (C), in the case of open space, that said open space meets the criteria in section 7-94 A of this Charter and no longer has value as open space as found by a two-thirds vote of the entire authorized membership of the legislative council. In making said findings and in its decision to dispose of the real property the legislative council may consider factors other than obtaining the highest price. If the legislative council votes to sell, exchange or otherwise dispose of said property, the first selectman is authorized to take all steps necessary to carry out the decision of the legislative council, in accordance with the procedure set forth herein.
- (f) The first selectman, with the approval of the board of selectmen, shall determine whether sale by public auction or private sale, with or without listing the sale with a real estate broker, is in the best interest of the Town
- (g) If the decision is to sell the real property at public auction, notice of such sale, including the terms thereof, shall be advertised in a newspaper or newspapers having a substantial circulation in the Town and the surrounding area at least twice, with the first such notice at least 30 days prior to the auction date and the second not more than 15 days prior to the auction date.
 - (1) The successful bidder at the auction shall submit a deposit of ten percent (10%) of the successful bid immediately after the auction is ended, with the balance due within 30 days of the close of the auction, which date may be extended for up to an additional 30 days by the Board of Selectmen if it finds there are extenuating circumstances. If the successful bidder at auction is unable to make such ten percent (10%) deposit immediately upon acceptance of his bid, said bidder and his/her agent shall be disqualified from future bidding at any re-auction of said Real Property. If said deposit is made but the successful bidder does not close within said time limits for any reason, time being of the essence, said deposit shall be retained by the Town as liquidated damages, and the Town shall be free to start the sale process again.
 - (2) All other terms under which the sale is conducted shall be determined by the first selectman with the concurrence of the auctioneer.
- (h) If the decision is made to sell the real property by private sale, the price and terms of the contract of sale, subject to the terms of this paragraph, shall be established by the first selectman with the approval of the board of selectmen and confirmed by affirmative vote of

a majority of the entire authorized membership of the legislative council. In setting the price the first selectman shall consider the appraisal required by sub-section A above. Any such contract of sale shall contain a provision to the effect that if the buyer fails to close on the date set for closing in the contract (or as extended by agreement between the Town and the buyer) the legislative council may declare the contract terminated if not closed by a date certain, not more than 14 days from the date of the vote, time being of the essence. If the buyer fails to close by said "time of the essence" date the buyer shall be in breach of the contract and any deposit held by the town shall be retained by the Town as liquidated damages.

- (i) For purposes of making an appropriation under this Charter, if the transfer of town owned real property provides consideration, in whole or in part, for the acquisition of other property, said transfer is an in-kind payment the value of which must be treated as if it were a cash payment.

8-25 Right of Referendum

- (a) Any vote to acquire, reserve or dispose of real property or an interest in real property pursuant to subsections (a) to (e), inclusive, of Section 7-90 of this Charter shall be subject to a referendum in accordance with this section.

CHAPTER 9 ETHICS COMPLAINTS AND ADVISORY OPINIONS

9-05 Code of Ethics

- (a) 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.
- (b) 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.
- (c) The Board of Ethics 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.
- (d) 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.

9-10 Procedure for Complaints

- (a) The Board of Ethics 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.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.

CHAPTER 10 TRANSITION AND MISCELLANEOUS

10-01 Effective Date

- (a) As originally adopted this Charter was effective at 12:01 A.M. October 9, 1961.

10-02 Amendment of the Charter

- (a) This Charter may only be amended in the manner prescribed by the General Statutes.
- (b) Within 5 years after submission of the report of the most recent Charter Revision Commission, the Legislative Council shall appoint a Charter Revision Commission to review the Charter and any recommendations made by the Legislative Council.

10-03 Schedules of Superseded Acts

- (c) The following special acts shall have no force or effect after the effective date of this Charter:

Volume and Page of Special Acts

Board of Finance	Act of April 26, 1917 XVII 940
Certain Action with respect to organization	
Validated	Act of March 15, 1943 XXIV 15
Amendment Authorized	Act of March 25, 1943 XXIV 45
Amendment Authorized	Act of July 8, 1943 XXIV 359
As amended	Act of May 22, 1957 XXVIII 413
Biennial Town Elections	Act of April 21, 1943 XXIV 91
Police and Fire Departments	Act of March 31, 1943 XXIV 57
Small Claims Court	Act of April 21, 1943 XXIV 98
Regional School Districts	Act of December 21, 1949 XXIV 13
Enactment of Ordinance	Act of April 25, 1957 XXVIII 139

10-04 Savings Clause

- (d) If any section, subsection, sentence, phrase, clause or word of this Charter shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the remainder of this Charter, except to the extent that some other word, clause, phrase, sentence, subsection or section may be in separately connected in meaning and effect with the section, subsection, sentence, phrase, clause or word to which such holding shall directly apply.
- (e) Any reference to the General Statutes means as said Statutes may be amended from time to time.

DRAFT FOR DISCUSSION