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**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
DRAFT REPORT OCTOBER 7, 2015

FINAL DRAFT REPORT

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TOWN OF NEWTOWN

(a) 137

PREAMBLE

(a) 138

CHARTER

(a) 139

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.

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CHAPTER 1 INTRODUCTION

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1-01 Incorporation

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(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.

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1-05 Rights, Obligations and Actions Continued

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(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 possessed by~~ 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.

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1-10 Powers of Town

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(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.

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1-15 Effect of Charter

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(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

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(a) 177 effective date of the Charter, remain in force, but shall not apply whenever they conflict with
(a) 178 the provisions of this Charter.

(a) 179 **1-20 Summary of Governance**

- (a) 180 (a) The Chief Executive and Administrative Officer of the **Town** shall be the First Selectman.
- (a) 181 (b) The administrative body of the **Town** shall be the Board of Selectmen.
- (a) 182 (c) The legislative body of the **Town** shall be the Legislative Council.

(a) 183 **1-25 General Provisions**

(a) 184 The following provisions shall apply throughout this Charter unless otherwise specified:

- (a) 185 (a) Definitions: The following terms shall have the meaning ascribed to them below.
 - (a) 186 (1) **Financial Impact Statement:** The term "Financial Impact Statement" shall describe a
 - (a) 187 document that includes the analysis of all costs and liabilities to be incurred by the
 - (a) 188 **Town** as a result of the use of a ~~Special Appropriation~~**Special Appropriation**, grant or
 - (a) 189 gift of real or tangible personal property.
 - (a) 190 (2) **General Statutes:** The term "General Statutes" shall be used in this Charter when
 - (a) 191 referring to the Connecticut General Statutes, as amended.
 - (a) 192 (3) **Legislative Council District:** The term "Legislative Council District" shall be used in
 - (a) 193 this Charter as defined in Section 3-10.
 - (a) 194 (4) **Resident Elector:** The term "Resident Elector" shall describe a person who is registered
 - (a) 195 to vote in the **Town** and whose principal residence is in the **Town**. A person who has
 - (a) 196 filed an application for the retention of electoral privileges with the Registrar of Voters
 - (a) 197 shall be considered a **Resident Elector** for so long as the application for retention of
 - (a) 198 elector privileges is in effect.
 - (a) 199 (5) **Town:** The term "Town" shall be used in this Charter as defined in Subsection 1-01(a).
 - (a) 200 (6) **Town Body:** The term "Town Body" shall include the Legislative Council and each
 - (a) 201 board, commission, and authority defined herein.
 - (a) 202 (7) **Town Department:** The term "Town Department" shall include the offices of Tax
 - (a) 203 Collector, Town Clerk, Assessor, Registrar of Voters ~~or the Legislative Council~~, or each
 - (a) 204 **Town Body** to which funds are appropriated in the ~~Town Budget~~**Town Budget**, or the
 - (a) 205 Public Works Department which shall be considered a separate department from the
 - (a) 206 remainder of the functions for which appropriations are expended by the Board of
 - (a) 207 Selectmen, and any other body or group which is designated a **Town Department** by
 - (a) 208 the Legislative Council on or before October 1st in the year prior to the adoption of the
 - (a) 209 ~~Town Budget~~**Town Budget**.
 - (a) 210 (8) **Town Election:** The term "Town Election" shall be used for elections held bi-annually
 - (a) 211 on the Tuesday after the first Monday of November in the odd-numbered years.
 - (a) 212 (9) Budget related definitions are contained in ~~6-01(a)~~**5-15(a)**.
- (a) 213 (b) Public Notice: In any instance in which public notice is required the same shall be served by
- (a) 214 causing its publication in a newspaper having a substantial circulation in the **Town** unless a
- (a) 215 different method of notice is provided for in the **General Statutes**, as amended.

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(a) 216 **CHAPTER 2 MEMBERSHIP, RULES, AND DUTIES FOR NEWTOWN OFFICES**

(a) 217 **2-01 General Provisions**

- (a) 218 (a) All members and alternates of Town Bodies shall have the powers and duties conferred and
(a) 219 imposed on them by the **General Statutes**, the provisions of this Charter, and the
(a) 220 regulations or by-laws of and for the body on which they serve. Members and alternates of
(a) 221 appointive **Town BodyTown Bodies** shall also be subject to the powers and duties
(a) 222 prescribed by ordinance, if such ordinance exists.
- (a) 223 (b) The rules contained in the then current edition of Robert's Rules of Order Newly Revised
(a) 224 shall govern in all cases to which they are applicable and in which they are not inconsistent
(a) 225 with this Charter and any special rules of order that may be adopted.
- (a) 226 (c) All elected and appointive boards and commissions may make rules for the conduct of their
(a) 227 meetings and the manner for accomplishing their duties. Such rules shall be filed with the
(a) 228 Town Clerk.
- (a) 229 (d) The First Selectman shall be an ex officio member of all **Town BodyTown Bodies**, but
(a) 230 without vote and not counted for the purpose of having a quorum except as a member of the
(a) 231 Board of Selectmen. The First Selectman shall be given reasonable notice of all meetings of
(a) 232 **Town BodyTown Bodies** by their Chairmen or Secretaries, and may in writing appoint
(a) 233 another member of the Board of Selectmen to represent him or her at any meeting of such
(a) 234 **Town Body**.
- (a) 235 (e) All elective and appointive officers, before they enter on their duties, shall take the oath or
(a) 236 affirmation prescribed by Article XI, Section 1 of the Constitution of the State of Connecticut,
(a) 237 as follows: "You do solemnly swear (or affirm, as the case may be) that you will support the
(a) 238 Constitution of the United States and the Constitution of the State of Connecticut, as long as
(a) 239 you continue to be a citizen thereof, and that you will faithfully discharge, according to law,
(a) 240 the duties of the office of _____ to the best of your abilities. So help you God." No other
(a) 241 oath or affirmation shall be required.

(a) 242 **2-05 Eligibility**

- (a) 243 (a) Unless otherwise specified, only **Resident Electors** of the **Town** shall be eligible for
(a) 244 election to any **Town** office or appointment to any appointive board. Any person ceasing to
(a) 245 be a **Resident Elector** of the **Town** shall thereupon cease to hold elective or appointive
(a) 246 office in the **Town** and the office shall be deemed vacant.
- (a) 247 (b) No person shall hold more than one elective office of the **Town** at the same time.
- (a) 248 (c) Any **Resident Elector** of the **Town**, regardless of whether they have party affiliation, may
(a) 249 run for public office. Specifics regarding procedures for securing a position on the election
(a) 250 ballot are available by contacting the Elections Division of the Secretary of the State's Office,
(a) 251 the Town Clerk's Office, or the Registrar of Voters' Office.
- (a) 252 (d) Specific rules regarding eligibility for certain offices or **Town BodyTown Bodies** are
(a) 253 contained in the following subsections discussing such **Town BodyTown Bodies**:
- (a) 254 (1) First Selectman: The First Selectman shall have no other full time employment nor hold
(a) 255 any paid civil office under the government of the United States, the State of Connecticut,
(a) 256 or any subdivision thereof, except that of Notary Public and Justice of the Peace.
- (a) 257 (2) Board of Selectmen: No member of the Board of Selectmen, while in office, shall hold or
(a) 258 be appointed to any other office or employment in the government of the **Town**.

- (a) 259 | (3) Legislative Council: No member of the Legislative Council shall hold or be appointed to
- (a) 260 | any other **Town** office or ~~Town~~ **Town Body**. Except as provided for in Subsection
- (a) 261 | 2-30(b), members of the Legislative Council shall reside in the **Legislative Council**
- (a) 262 | **District** from which they were elected.
- (a) 263 | (4) Police Commission: No member of the Board of Police Commissioners shall be a
- (a) 264 | member or officer of the Newtown Police Department, the Chief of Police, or a member
- (a) 265 | of any other **Town Body**.
- (a) 266 | (5) Board of Fire Commissioners: Eligibility to serve on the Fire Commission is described in
- (a) 267 | Subsection 2-235(b).
- (a) 268 | (6) Building Appeals Board: Members shall be qualified by training and experience on
- (a) 269 | matters pertaining to building construction. Subsection 2-05(a) shall not apply.
- (a) 270 | (7) Public Building and Site Commission: Members shall include those who are qualified by
- (a) 271 | training and experience on matters pertaining to building design, construction or
- (a) 272 | contractual instruments.

(a) 273 | **2-10 Minority Representation**

- (a) 274 | (a) Except as specifically provided in this section, the maximum number of members of any
- (a) 275 | board, commission, or authority ~~Town~~ **Body**, whether elected or appointed, who are
- (a) 276 | members of the same political party shall be determined in accordance with the provisions
- (a) 277 | of Section 9-167a of the **General Statutes, as amended**. In addition, the maximum number
- (a) 278 | of alternate members for any given board or commission shall also conform to the
- (a) 279 | 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

- (a) 280 | (b) Exceptions are as follows:
- (a) 281 | (1) Legislative Council: The number of members of any one political party who may serve
- (a) 282 | on the Legislative Council shall not exceed 3 of the 4 members elected from each
- (a) 283 | **Legislative Council District**.
- (a) 284 | (2) Board of Education: The number of members of any one political party who may serve
- (a) 285 | on the Board of Education shall not exceed 4.
- (a) 286 | (3) Police Commission: The number of members of any one political party who may serve
- (a) 287 | on the Police Commission shall not exceed 3.
- (a) 288 | ~~(2)~~

- (a) 289 | ~~(3)~~(4) Board of Managers of the Edmond Town Hall: At each regular **Town Election**, 2
- (a) 290 | members of the Board of Managers of the Edmond Town Hall shall be elected, neither of
- (a) 291 | whom may be members of the same political party.
- (a) 292 | ~~(4)~~(5) Board of Fire Commissioners: Provided members are appointed as set forth in this
- (a) 293 | Charter, the Board of Fire Commissioners shall be exempt from the provisions for
- (a) 294 | minority representation.
- (a) 295 | ~~(5)~~(6) Board of Ethics: At no time shall more than 3 regular members and one alternate
- (a) 296 | member of the Board of Ethics be of the same political party.
- (a) 297 | ~~(6)~~(7) Public Building and Site Commission: The Public Building and Site Commission shall
- (a) 298 | have no more than 4 members and one alternate member from one political party.
- (a) 299 | (8) Justices of the Peace: The political affiliation of Justices of the Peace shall be determined
- (a) 300 | as provided in the **General Statutes** [see Section 9-183a, et seq.].
- (a) 301 | ~~(7)~~(9) Minority Representation exceptions may be provided for boards, commissions, or
- (a) 302 | authorities created after this Charter becomes effective, provided the maximum number
- (a) 303 | of members of any one political party does not exceed that provided in Subsection 2-
- (a) 304 | 10(a).
- (a) 305 | (c) As provided in Section 9-167a of the **General Statutes**, minority representation limitations
- (a) 306 | in Subsection 2-10(a) shall not apply to regional bodies.

2-15 Terms and Term Limits

- (a) 307 |
- (a) 308 | (a) The term lengths and term limits, if any, for every elected official, elected or appointed
- (a) 309 | members of ~~Town Body~~**Town Bodies** are set forth in sections establishing said office or
- (a) 310 | **Town Body**.
- (a) 311 | (b) The terms of office of all elected officials shall commence on the December 1st following
- (a) 312 | their election unless otherwise provided by a specific provision of this Charter or the
- (a) 313 | **General Statutes**. Each elected official shall hold office until a successor is elected and has
- (a) 314 | qualified.
- (a) 315 | (c) The terms of office of members of all appointive ~~Town Body~~**Town Bodies** shall commence
- (a) 316 | on January 7th except for the Trustees of the Cyrenius H. Booth Library whose terms shall
- (a) 317 | commence on July 1st, or as otherwise required by law.
- (a) 318 | (d) The terms of appointment to any appointive board, except the Building Appeals Board, shall
- (a) 319 | not exceed 4 years.
- (a) 320 | (e) The terms of members seated on appointive ~~Town Body~~**Town Bodies** shall be established
- (a) 321 | to expire, as nearly as possible, at regularly staggered annual intervals, unless otherwise
- (a) 322 | provided by this Charter or by the **General Statutes**.

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

- (a) 323 |
- (a) 324 | (a) The First Selectman shall be the Chairman and shall preside over meetings of the Board of
- (a) 325 | Selectmen. The First Selectman shall not be an officer on any other Town Body.
- (a) 326 | (b) All other ~~Town Body~~**Town Bodies** shall elect from their number a Chairman during the
- (a) 327 | first meeting.
- (a) 328 | (c) The members of the Legislative Council shall also elect from their number a Vice Chairman
- (a) 329 | during the first meeting.

- (a) 330 (d) The Board of Education may elect a Vice Chairman and shall elect a secretary from its
- (a) 331 members.
- (a) 332 (e) All other **Town Body**~~Town Bodies~~ may elect a Vice Chairman and a Secretary.
- (a) 333 ~~(f) The First Selectman shall not hold office on the Legislative Council or any other Town Body.~~

(a) 334 **2-25 Voting**

- (a) 335 (a) It shall be the duty of every member present at ~~any Legislative Council or other~~ **Town Body**
- (a) 336 meeting to vote affirmatively or negatively on each question raised. Should a member have
- (a) 337 a conflict of interest, said member shall refrain from discussion and voting. The reason for
- (a) 338 the conflict of interest need not be stated nor made part of the record.

(a) 339 **2-30 Vacancies on the Legislative Council, Town Boards, ~~and Commissions and~~**

(a) 340 **Authorities**

- (a) 341 (a) A vacancy shall be created in the event that any one of the following occur: the death of a
- (a) 342 member; the resignation submitted by a member and filed with the Town Clerk, who shall
- (a) 343 immediately notify the Chair of the affected **Town Body**; a member ceases to meet the
- (a) 344 eligibility requirements as described in Section 2-05; or, for appointive boards, a member is
- (a) 345 removed for cause. The vacancy shall take effect on the date of such event.
- (a) 346 (b) Should a member of the Legislative Council move from one **Legislative Council District** to
- (a) 347 another, such a move shall not constitute the creation of a vacancy provided that the
- (a) 348 member otherwise remains eligible for **Town** office. Should the member's seat become
- (a) 349 vacated subsequent to such move, the vacancy shall be filled by a member appointed from
- (a) 350 the district from which the member was originally elected.
- (a) 351 (c) If a person vacating an elective **Town Body** shall have been elected as a member of a
- (a) 352 political party, the vacancy shall be filled by a member of the same political party.
- (a) 353 (d) If a person vacating an appointive **Town Body** was appointed as a member of a political
- (a) 354 party, the vacancy shall be filled by a member of the same political party or by an
- (a) 355 unaffiliated **Resident Elector**. If the newly appointed member is an unaffiliated elector and
- (a) 356 must vacate his appointment, the person appointed to fill such a vacancy must be either an
- (a) 357 unaffiliated elector or a member of the same political party as the person initially
- (a) 358 appointed.

(a) 359 **2-31 Procedures for Filling Vacancies in Elected Town Bodies**

- (a) 360 (a) Legislative Council: A vacancy or vacancies on the Legislative Council shall be filled for the
- (a) 361 remainder of the term from among eligible **Resident Electors** in the **Legislative Council**
- (a) 362 **District** of the former member as follows:
- (a) 363 (1) Within 30 days of vacancy, by majority vote of the Legislative Council members of the
- (a) 364 same political party of the former member;
- (a) 365 (2) After 30 days, by majority vote of the remaining members of the Legislative Council
- (a) 366 regardless of party affiliation.
- (a) 367 (3) Should all seats on the Council be simultaneously vacant, then a special election shall be
- (a) 368 called to fill all seats.
- (a) 369 (b) Board of Selectmen: A vacancy or vacancies on the Board of Selectmen shall be filled in the
- (a) 370 manner prescribed by Section 9-222 of the **General Statutes**.

- (a) 371 | (c) For all other elected ~~Town Body~~Town Bodies, a vacancy or vacancies shall be filled as follows:
- (a) 372
- (a) 373 | (1) Within 30 days of vacancy, by a majority vote of the ~~authorized~~ membership of the
- (a) 374 | Board;
- (a) 375 | (2) From 31 to 60 days of vacancy, by appointment of the First Selectman with the approval
- (a) 376 | of the Board of Selectmen.
- (a) 377 | (3) Should the number of vacancies leave less than a majority of the ~~authorized~~
- (a) 378 | membership, the First Selectman with the approval of the Board of Selectmen, within 30
- (a) 379 | days, shall fill all existing vacancies.

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

- (a) 380 (a) Vacancies in offices originally appointed by the First Selectman shall be filled as follows:
- (a) 381
- (a) 382 (1) Within 45 days by the First Selectman, with the approval of the Board of Selectmen, or
- (a) 383 (2) After 45 days by the remaining members of such board or commission subject to the
- (a) 384 | provisions of Sections 2-05 and 2-10 of this Charter.
- (a) 385 (b) All vacancies in the Cyrenius H. Booth Library Board of Trustees other than those seats
- (a) 386 | originally appointed by the First Selectman shall be filled in accordance with the by-laws of
- (a) 387 | the Library Board of Trustees.
- (a) 388 (c) Vacancies in the Board of Fire Commissioners shall be filled in accordance with Subsection
- (a) 389 | 2-235(b) of this Charter.

2-35 Use of Alternates

- (a) 390 (a) In the absence of one or more regular members and alternate members exist; present
- (a) 391 | regular members of the Commission shall designate alternate(s) to act in the absent
- (a) 392 | members' place. Alternates shall be chosen in rotation so that they shall act as nearly equal
- (a) 393 | a number of times as possible.
- (a) 394

2-40 Removal for Cause

- (a) 395 (a) A member of an appointive board or the Building Inspector, Town Assessor or Tax Collector
- (a) 396 | may be removed for cause by the First Selectman with the approval of the Board of
- (a) 397 | Selectmen.
- (a) 398
- (a) 399 (b) The First Selectman, with the approval of the Board of Selectmen, shall adopt a personnel
- (a) 400 | policy establishing procedures, consistent with due process, for removal for cause.
- (a) 401 (c) Within 30 days from such removal, any person so removed may, in writing, request a
- (a) 402 | hearing before the Legislative Council. Such hearing shall be held within 15 days from the
- (a) 403 | date such request is made and such person may appear at the hearing with counsel. After
- (a) 404 | such hearing, the decision of the Board of Selectmen may be reversed, modified or upheld
- (a) 405 | by said Legislative Council, provided said Legislative Council acts no later than 30 days after
- (a) 406 | the conclusion of such hearing.

2-45 Compensation

- (a) 407 (a) The Town Clerk shall receive a salary in lieu of all fees and other compensation. The Town
- (a) 408 | Clerk's salary shall be set from time to time by the Legislative council.
- (a) 409
- (a) 410 (b) The Registrars of Voters shall receive a salary as set from time to time by the Board of
- (a) 411 | Selectmen.

- (a) 412 (c) The salary for the First Selectman’s term shall be set by the Legislative Council during the
- (a) 413 budget making process of each odd numbered year. The salary may be fixed at different
- (a) 414 rates for each year of the term. The salary shall not be changed during the term of office.
- (a) 415 (d) The members of elected and appointed boards and commissions, except the First Selectman,
- (a) 416 shall serve without compensation. Necessary expenses incurred in the performance of their
- (a) 417 duties may be paid from an appropriation authorized for the purpose.

(a) 418 **2-50 Administrative Clerks**

- (a) 419 (a) All ~~Town Body~~**Town Bodies** shall have an administrative clerk. Such clerks, as authorized
- (a) 420 by this Charter, shall keep minutes of meetings, record all motions, votes and actions of
- (a) 421 their assigned **Town Body**, prepare the agenda and notices of all regular and special
- (a) 422 meetings or cancellation of said body at the direction of its Chairman and perform such
- (a) 423 other duties as such Chairman, from time to time, shall direct.

(a) 424 **2-100 Elected Boards, Commissions, and Officers**

(a) 425 There shall be the following elected boards, commissions, and officers.

(a) 426 **2-105 Legislative Council**

- (a) 427 (a) Summary of General Responsibilities: All of the legislative powers of the **Town** conferred by
- (a) 428 the **General Statutes** on Legislative Bodies shall vest in the Legislative Council with the
- (a) 429 exception of those items specifically enumerated to other ~~Town Body~~**Town Bodies**. The
- (a) 430 Council determines the annual ~~Town Budget~~**Town Budget** ~~Budget appropriations~~ and
- (a) 431 considers ~~Special~~**Special** and ~~Emergency Appropriation~~**Emergency Appropriations** as
- (a) 432 set forth in ~~Section 6-355-15(a)~~. The Legislative Council shall have the power to enact,
- (a) 433 amend or repeal ordinances as set forth in CHAPTER 5.

- (a) 434 (b) Membership and Terms:

- (a) 435 (1) The Legislative Council shall consist of 12 members, 4 of whom shall be elected from
- (a) 436 each of 3 **Legislative Council Districts**, established in accordance with Section 3-10 of
- (a) 437 this Charter.

- (a) 438 (2) The term of office shall be two years.

- (a) 439 (c) The Legislative Council, from time to time, may adopt rules of procedure to govern its
- (a) 440 functions not inconsistent with the requirements of this Charter, provided such rules are
- (a) 441 adopted by at least 8 affirmative votes.

- (a) 442 (d) Meetings – The Legislative Council shall adhere to the following:

- (a) 443 (1) The first meeting of the newly elected Legislative Council, chaired by the Town Clerk,
- (a) 444 shall be held within 6 days after the members take office.

- (a) 445 (2) Regular meetings shall be held twice a month, except when there is no business to
- (a) 446 conduct. The chairman shall notify the Town Clerk and the membership of the
- (a) 447 cancellation. The Chairman may call special meetings as deemed necessary.

- (a) 448 (3) Notice shall be given to all members of the Legislative Council of the time and place at
- (a) 449 which all regular and special meetings are to be held. Each notice shall include the
- (a) 450 meeting Agenda and shall be delivered at least 3 days before the meeting and filed with
- (a) 451 the Town Clerk and made available for public inspection.

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- (a) 452 (4) The Legislative Council may hold an emergency meeting at the immediate call of the
- (a) 453 Chairman. The meeting shall be subject to ratification of the Chairman's decision that
- (a) 454 an emergency existed by at least 8 affirmative votes. The nature of the emergency shall
- (a) 455 be set forth fully in the minutes of the meeting.
- (a) 456 (5) Seven members of the Legislative Council shall constitute a quorum at all meetings for
- (a) 457 the transaction of business.
- (a) 458 (6) The Agenda of each regular or special meeting of the Legislative Council shall be
- (a) 459 prepared by the Chairman. The agenda shall also include any matter or item, including
- (a) 460 without limitation any action or ordinance, set forth in a written request filed with the
- (a) 461 Chairman not less than 7 days prior to such meeting by:
 - (a) 462 (i) Any member of the Legislative Council;
 - (a) 463 (ii) The First Selectman; or
 - (a) 464 (iii) Not less than 80 **Resident Electors** of the **Town**. Any such request filed by 80
 - (a) 465 **Resident Electors** shall contain the resolution or ordinance on which action is
 - (a) 466 sought. Prior to appearing on an agenda, the resolution or ordinance shall be
 - (a) 467 submitted to the Town Attorney, by the chairman of the Legislative Council, for his
 - (a) 468 opinion as to the power of the Legislative Council to act thereon. Such opinion or
 - (a) 469 approval shall not be unreasonably delayed.
- (a) 470 (7) Any **Resident Elector** of the **Town** may speak during a portion of each regular or
- (a) 471 special meeting on any matter on the Agenda of that meeting or any other item, subject
- (a) 472 to such conditions, rules and regulations as may be established from time to time by the
- (a) 473 Legislative Council, including the right to limit public participation in the working
- (a) 474 sessions on the budget.
- (a) 475 (8) Subject to appropriate rules of order adopted by the Legislative Council and Connecticut
- (a) 476 law on freedom of information, matters not on the Agenda may be discussed. No action
- (a) 477 shall be taken by the Legislative Council on any matter unless it appears on the Agenda
- (a) 478 sent to Legislative Council members with the notice of the meeting unless emergency
- (a) 479 action is required at any regular or special meeting at which it is found by 8 affirmative
- (a) 480 votes that an emergency exists or at an emergency meeting called as set forth in
- (a) 481 Subsection 2-105(d)(4).

2-110 First Selectman

- (a) 482
- (a) 483 (a) Summary of General Responsibilities: The First Selectman shall be the Chief Executive and
- (a) 484 Administrative Officer of the **Town** and shall have the powers and duties of First Selectmen
- (a) 485 prescribed by this Charter and the **General Statutes**.
- (a) 486 (b) The First Selectman shall be responsible to the Board of Selectmen for the administration of
- (a) 487 departments under the direct supervision of the Board and shall execute or cause to be
- (a) 488 executed regulations or resolutions voted by the Board of Selectmen and **Town** ordinances
- (a) 489 voted by the Legislative Council.
- (a) 490 (c) The First Selectman may declare, by resolution, a state of emergency, should he or she find
- (a) 491 that a state of emergency exists within the **Town**, requiring immediate action to protect the
- (a) 492 health, safety or general welfare of the citizens. The resolution shall include the exact nature
- (a) 493 of the emergency and be simultaneously published by the most effective means available.
- (a) 494 The declaration shall be effective for a period of time not to exceed 5 calendar days. The
- (a) 495 emergency declaration may be extended by an affirmation by the Legislative Council that a
- (a) 496 state of emergency still exists. Any proposed actions necessary to deal with such emergency

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- (a) 497 | [proposed during an extension](#) shall be approved by the Legislative Council. The First
- (a) 498 | Selectman shall take such actions as are in the best interest of the **Town**.
- (a) 499 | (d) At the first meeting following the **Town Election**, the Board of Selectmen shall choose a
- (a) 500 | member of the Board who shall serve as Acting First Selectman during the absence,
- (a) 501 | incapacity or disability of the First Selectman. Such person shall perform all duties during
- (a) 502 | such time as the Board may designate by resolution or regulation.

(a) 503 | **2-115 Board of Selectmen**

- (a) 504 | (a) Summary of General Responsibilities: The Board of Selectmen shall supervise the
- (a) 505 | administration of the affairs of the **Town**, except those matters which by the **General**
- (a) 506 | **Statutes** or this Charter are exclusively committed to the Board of Education or other **Town**
- (a) 507 | **BodyTown Bodies**. The Board of Selectmen shall also be responsible for coordinating the
- (a) 508 | activities of all the departments of the **Town** and for reviewing the present and future needs
- (a) 509 | of the **Town**.
- (a) 510 | (b) Membership and Terms:
- (a) 511 | (1) The Board of Selectmen shall consist of the First Selectman and two Selectmen.
- (a) 512 | (2) The term of office shall be two years.
- (a) 513 | (c) The Board of Selectmen may exercise any of the powers conferred on towns by the **General**
- (a) 514 | **Statutes** to the extent that the Legislative Council has not already acted by ordinance or
- (a) 515 | resolution on such subjects and to the extent that such powers have not otherwise been
- (a) 516 | granted or limited by this Charter to other **Town BodyTown Bodies** or officers.
- (a) 517 | (d) Except for the powers granted to the Board of Education by the **General Statutes**, the
- (a) 518 | Board of Selectmen shall have sole power, subject to the provisions of this Charter and the
- (a) 519 | **General Statutes** to:
- (a) 520 | (1) Incur indebtedness in the name of the **Town** and to provide for the due execution of
- (a) 521 | evidences of indebtedness issued by the **Town**, subject to the provisions of Section 7-10
- (a) 522 | of this Charter,
- (a) 523 | (2) Provide for the due execution of contracts for the **Town**, subject to the provisions of
- (a) 524 | Subsection 7-15(e) of this Charter,
- (a) 525 | (3) Institute, prosecute or compromise any legal action or proceeding by or against the
- (a) 526 | **Town**, subject to the approval of the Legislative Council and, when relevant, the affected
- (a) 527 | department or **Town Body**,
- (a) 528 | (4) Defend the **Town** by legal action or proceeding,
- (a) 529 | (5) Apply for any financial assistance by the State of Connecticut and the United States
- (a) 530 | Government including grants to fund any appropriation, subject to the provisions of
- (a) 531 | Section 6-40 of this Charter,
- (a) 532 | (6) Take, purchase, lease, sell, or convey tangible personal property of or for the **Town**. [Real](#)
- (a) 533 | [property, acquisition and disposition, is addressed in CHAPTER 8Chapter 8,](#)
- (a) 534 | (7) Accept public highways, to approve the layout of public highways and related drainage,
- (a) 535 | slope or other easements, to approve the acquisition of real property or interests in real
- (a) 536 | property for the purpose of widening or realignment of existing public highways and to
- (a) 537 | grant utility easements across town-owned property for the good of the **Town**,
- (a) 538 | (8) Discontinue any town-owned public highway,

Comment [JC1]: Add X-reference (Done);
Legal BoE?

- (a) 539 (9) Require such reports from any **Town Department** as may be useful in the performance
- (a) 540 of its duties,
- (a) 541 (10) Submit annually to the Board of Finance a proposed budget for the next fiscal year
- (a) 542 subject to the provisions of Section 6-05 of this Charter.
- (a) 543 (e) The First Selectman with the approval of the Board of Selectmen may, by resolution,
- (a) 544 establish such advisory or study committees as they find desirable in the discharge of their
- (a) 545 duties. ~~Such committees shall be subject to Minority Representation as set forth in Section~~
- (a) 546 ~~2-10.~~
- (a) 547 (f) The Board of Selectmen shall have regular meetings and provide a procedure for calling
- (a) 548 special meetings.
- (a) 549 (g) A majority of the Board of Selectmen shall constitute a quorum for the transaction of any
- (a) 550 business.
- (a) 551 (h) The Board of Selectmen may call joint meetings with other ~~Town Body~~ **Town Bodies**, by
- (a) 552 resolution or regulation, as may be useful in the performance of its duties subject to the
- (a) 553 provisions the **General Statutes**. ~~It shall be the affirmative obligation of the members of~~
- (a) 554 ~~such other Town Bodies to attend such joint meetings.~~

(a) 555 **2-120 Board of Education**

- (a) 556 (a) Summary of General Responsibilities: The Board of Education shall provide and maintain
- (a) 557 ~~quality good~~ public elementary and secondary schools and shall provide such educational
- (a) 558 activities as in its judgment will best serve the interests of the **Town**. The Board of
- (a) 559 Education shall perform all acts required of them by this Charter or as necessary to carry
- (a) 560 into effect the powers and duties imposed upon them by law.
- (a) 561 (b) Membership and Terms:
- (a) 562 (1) The Board of Education shall consist of 7 members.
- (a) 563 (2) The term of office shall be 4 years.

(a) 564 **2-125 Board of Finance**

- (a) 565 (a) Summary of General Responsibilities: The Board of Finance recommends a budget proposal
- (a) 566 and submits it to the Legislative Council for final action as set forth in Section 6-15. In
- (a) 567 addition, the Board advises the Board of Selectmen and Board of Education during the
- (a) 568 budget process and all ~~Town Body~~ **Town Bodies** on preferred financial practices and
- (a) 569 obligations. The Board of Finance also reviews and assesses financial operations including
- (a) 570 transfers, regular and ~~Special Appropriation~~ **Special Appropriations**.
- (a) 571 (b) Membership and Terms:
- (a) 572 (1) The Board of Finance shall consist of six members.
- (a) 573 (2) The term of office shall be evenly split among two and four year seats following the
- (a) 574 2017 election as provided in Subsection ~~3-15(a)~~ **3-15(e)**. Thereafter, the term of office
- (a) 575 for each seat shall be four years.

(a) 576 **2-130 Planning and Zoning Commission**

- (a) 577 (a) Summary of General Responsibilities: The Planning and Zoning Commission is responsible
- (a) 578 to promote the orderly and coordinated development of the **Town**. The Commission
- (a) 579 controls and directs the use and development of property in the **Town**. The Planning and
- (a) 580 Zoning Commission, subject to the provisions of this Charter, shall have all of the powers

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(a) 581 and duties conferred and imposed by the **General Statutes** upon both Planning and Zoning
(a) 582 Commissions. It acts as the Planning Commission for the Borough of Newtown and shall, to
(a) 583 the extent that it is so empowered by ordinance of the Borough of Newtown, act as Zoning
(a) 584 Commission for the Borough of Newtown.

(a) 585 (b) Membership and Terms:

(a) 586 (1) The Planning and Zoning Commission shall consist of 5 members and three alternates.

(a) 587 (2) The term of office for members and alternates shall be four years and two years,
(a) 588 respectively.

(a) 589 **2-135 Town Clerk**

(a) 590 (a) Summary of General Responsibilities: The Town Clerk is responsible for administrative
(a) 591 work for the **Town** including the maintenance and safe-keeping of a variety of official
(a) 592 municipal documents; issuance of various licenses and permits; and the recording of
(a) 593 various documents and vital statistics.

(a) 594 (b) Membership and Terms:

(a) 595 (1) There shall be one Town Clerk.

(a) 596 (2) The term of office shall be four years.

(a) 597 (c) The Town Clerk shall exercise the powers and perform the duties of a Town Clerk as
(a) 598 provided by the **General Statutes** except as hereinafter provided and shall perform such
(a) 599 other duties as required by this Charter.

(a) 600 (1) The receipts to be paid to the Town Clerk shall be collected in accordance with the
(a) 601 provisions of the **General Statutes** or this Charter or ordinances of this **Town** and shall
(a) 602 be deposited with the Finance Director of the **Town**.

(a) 603 (2) The Town Clerk shall also keep a record of receipts, which shall show the amounts
(a) 604 thereof and for what received.

(a) 605 **2-140 Registrars**

(a) 606 (a) Summary of General Responsibilities: The Registrars are responsible for voter registration
(a) 607 and the administration of all elections. They also assist candidates, the public, and the
(a) 608 parties in the preparation of specialized voter lists and individual requests for voter
(a) 609 information.

(a) 610 (b) Membership and Terms:

(a) 611 (1) There shall be two Registrars of Voters for the **Town** at large, one from each political
(a) 612 party.

(a) 613 (2) The term of office shall be four years.

(a) 614 **2-145 Board of Assessment Appeals**

(a) 615 (a) Summary of General Responsibilities: The Board of Assessment Appeals shall hear and
(a) 616 decide appeals from property owners regarding the assessment of their property as and
(a) 617 when provided by the **General Statutes**.

(a) 618 (b) Membership and Terms:

(a) 619 (1) The Board of Assessment Appeals shall consist of three members.

(a) 620 (2) The term of office shall be four years.

(a) 621 **2-150 Board of Managers of Edmond Town Hall**

- (a) 622 (a) Summary of General Responsibilities: The Board of Managers of the Edmond Town Hall
(a) 623 shall have the exclusive care and maintenance of Edmond Town Hall and all grounds and
(a) 624 buildings appurtenant thereto- and shall have the status, powers and duties set forth in
(a) 625 Special Act No. 98 of the 1931 session of the General Assembly as amended by Special Act
(a) 626 No. 517 of the 1953 session of the General Assembly, which acts shall remain in full force
(a) 627 and effect, except to the extent superseded or revised by this Charter.
(a) 628 (b) Membership and Terms:
(a) 629 (1) The Board of Managers of the Edmond Town Hall shall consist of six members.
(a) 630 (2) The term of office shall be six years.
(a) 631 ~~(c) The Board shall have all powers and duties prescribed for said Board by Special Act No. 98~~
(a) 632 ~~of the 1931 session by which it was created, as amended by Special Act No. 517 of the 1953~~
(a) 633 ~~session.~~

(a) 634 **2-155 Zoning Board of Appeals**

- (a) 635 (a) Summary of General Responsibilities: The Zoning Board of Appeals has powers as provided
(a) 636 in Section 8-6 of the **General Statutes**, including but not limited to granting variances of the
(a) 637 Zoning Regulations and hearing appeals.
(a) 638 (b) Membership and Terms:
(a) 639 (1) The Zoning Board of Appeals Board shall consist of five members and three alternates.
(a) 640 (2) The term of office for the members and the alternates shall be four years, and two years,
(a) 641 respectively.

(a) 642 **2-160 Board of Police Commissioners**

- (a) 643 (a) Summary of General Responsibilities: The Board of Police Commissioners shall maintain a
(a) 644 Police Department in the **Town** and shall appoint a Chief of Police. In addition, the Board of
(a) 645 Police Commissioners serves as the traffic authority of the **Town**.
(a) 646 (b) Membership and Terms:
(a) 647 (1) The Board of Police Commissioners shall consist of five members.
(a) 648 (2) The term of office shall be four years.
(a) 649 (c) The Board of Police Commissioners shall, subject to budgetary limitations, have all of the
(a) 650 powers now or hereafter granted to boards of police commissioners by the **General**
(a) 651 **Statutes** of Connecticut, and, in addition to and not in limitation thereof, shall have the
(a) 652 power to:
(a) 653 (1) Make all the regulations necessary to organize and maintain the Police Department
(a) 654 including, without limitation, the establishment of ranks within said Department and
(a) 655 the duties and responsibilities of each such rank.
(a) 656 (2) Appoint and promote members and officers of the Police Department in accordance
(a) 657 with said regulations. Such members and officers shall continue to hold office during
(a) 658 good behavior.
(a) 659 (3) Suspend and remove members and officers of the Police Department for cause in
(a) 660 accordance with said regulations. A violation of the regulations adopted by the Board of
(a) 661 Police Commissioners shall be sufficient cause for removal.

- (a) 662 (d) The Chief of the Police Department shall not be dismissed unless written notice of the
- (a) 663 specific grounds for such dismissal is given, as well as an opportunity to present a defense,
- (a) 664 personally and by counsel, at a public hearing before the Board of Police Commissioners.
- (a) 665 Such public hearing shall be commenced not less than 5 nor more than 10 days after such
- (a) 666 notice. Any person so dismissed may appeal in the manner described by Section 7-278 of
- (a) 667 the **General Statutes**.
- (a) 668 (e) The members and officers of the Police Department shall have the authority with respect to
- (a) 669 the service of criminal process and the enforcement of the criminal laws as vested by the
- (a) 670 **General Statutes** in officers and members of an organized police department or force.

(a) 671 **2-200 Appointive Authorities, Boards, Commissions and Officers**

(a) 672 **2-201 General Provisions**

- (a) 673 (a) Board and commission members and authority delegates shall be appointed by the First
- (a) 674 Selectman with the approval of the Board of Selectmen unless hereinafter specified. All
- (a) 675 appointments to fill unexpired terms shall be for the duration of said unexpired term only.
- (a) 676 (1) A First Selectman whose position as First Selectman will end as a result of not being re-
- (a) 677 elected the office shall not make appointments from the date of the **Town Election** to
- (a) 678 the end of his/her term. The period from the **Town Election** to the beginning of the
- (a) 679 next term shall not be counted in the 45 days referred to in Subsection **Error!**
- (a) 680 **Reference source not found.2-32(a).**
- (a) 681 (b) Appointive boards, other than those required by this of this Charter, may be created,
- (a) 682 abolished and consolidated; their powers and duties established, altered and repealed; and
- (a) 683 the number and terms of office of their members established and changed by ordinance.
- (a) 684 (c) Appointive boards required by this Charter or hereafter created by ordinance other than
- (a) 685 the Board of Fire Commissioners and the Board of Ethics may, in their discretion, appoint
- (a) 686 associate members, with voice but without vote, for terms no longer than the terms of
- (a) 687 members of the appointing board.

(a) 688 **2-205 Aging, Commission on**

- (a) 689 (a) Summary of General Responsibilities: There shall be a Commission on Aging to advocate for
- (a) 690 seniors and identify the needs of and coordinate services and programs that support the
- (a) 691 well-being of Newtown senior residents and act as their agent for other Federal, State or
- (a) 692 **Town** Boards, Commissions or agencies or local private groups to carry out programs for
- (a) 693 senior residents.
- (a) 694 (b) Membership and Terms:
- (a) 695 (1) The Commission shall consist of 9 regular members and 3 alternate members.
- (a) 696 (2) The term of office shall be three years for regular members and two years for alternate
- (a) 697 members.

Comment [JC2]: Yes, Ordinance related.

(a) 698 **2-210 Building Appeals Board**

- (a) 699 (a) Summary of General Responsibilities: The Board of Building Appeals shall hear appeals
- (a) 700 related to all building matters.
- (a) 701 (b) Membership and Terms:
- (a) 702 (1) The Commission shall be composed of five members.

- (a) 703 (2) The term of office shall be five years.
- (a) 704 ~~(3) No person shall be appointed to more than two consecutive full terms.~~
- (a) 705 (c) No member of said Board shall vote on any question concerning a matter in which he is
- (a) 706 engaged as a contractor, material dealer, architect or engineer, or in which he has a
- (a) 707 personal interest.

(a) 708 **2-215 Conservation Commission**

- (a) 709 (a) Summary of General Responsibilities: There shall be a Conservation Commission, as
- (a) 710 established by ordinance, for the development and conservation of natural resources within
- (a) 711 the territorial limits of the **Town**. The Commission shall advise on the appropriate use and
- (a) 712 management of the natural resources for the **Town**.
- (a) 713 (b) Membership and Terms:
- (a) 714 (1) The Commission shall consist of 7 members.
- (a) 715 (2) The term of office shall be four years.

(a) 716 **2-220 Cultural Arts Commission**

- (a) 717 (a) Summary of General Responsibilities: The Newtown Cultural Arts Commission shall exist to
- (a) 718 stimulate, facilitate, coordinate and cooperate with existing organizations for the
- (a) 719 development of the arts. It shall serve as an information center and focal point in the
- (a) 720 community for activities related to the arts.
- (a) 721 (b) Membership and Terms:
- (a) 722 (1) The Commission shall consist of nine members.
- (a) 723 (2) The term of office shall be three years.

(a) 724 **2-225 Economic Development Commission**

- (a) 725 (a) Summary of General Responsibilities: There shall be an Economic Development
- (a) 726 Commission which will seek to implement orderly and planned economic development
- (a) 727 while always keeping in mind the character of the **Town**.
- (a) 728 (b) Membership and Terms:
- (a) 729 (1) The Commission shall be composed of nine members
- (a) 730 (2) The term of office shall be three years.

(a) 731 ~~(3) No person shall be appointed to more than two consecutive full terms.~~

(a) 732 **2-230 Ethics, Board of**

- (a) 733 (a) Summary of General Responsibilities: Board of Ethics shall administer the Code of Ethics,
- (a) 734 receive and hear complaints of violations of The Code of Ethics and respond to requests
- (a) 735 from public officials seeking advice on the conformity of actions with the Code of Ethics as
- (a) 736 set forth in CHAPTER 9.
- (a) 737 (b) Membership and Terms:
- (a) 738 (1) The Board of Ethics shall be composed of six regular members and two alternate
- (a) 739 members.
- (a) 740 (2) The term of office shall be four years.

(a) 741 (3) Members shall serve no more than two consecutive terms. In no event may any member
(a) 742 serve said Board more than eight years in succession. Any member having served said
(a) 743 Board for eight years in succession shall be ineligible for reappointment for two years
(a) 744 after last serving on said Board.

(a) 745 (4) Each member ~~shall~~ may serve until his/her successor has been appointed.

(a) 746 (c) A quorum shall consist of four members.

(a) 747 **2-235 Fire Commissioners, Board of**

(a) 748 (a) Summary of General Responsibilities: Board of Fire Commissioners shall operate, supervise
(a) 749 and manage the Newtown Fire Department. The Newtown Fire Department consists of all
(a) 750 the volunteer fire companies located within the **Town** and under the supervision and
(a) 751 management of a Board of Fire Commissioners.

(a) 752 (b) Membership and Terms:

(a) 753 (1) There shall be a Fire Department consisting of all the volunteer fire companies located
(a) 754 within the **Town**, under the operation, supervision and management of a Board of Fire
(a) 755 Commissioners. Said Board shall be composed of 7 members unless increased in
(a) 756 accordance with Subsection 2-235(b)(1)(iii). Members shall be chosen in the following
(a) 757 manner:

(a) 758 (i) Each volunteer fire company, in accordance with its by-laws and regulations, shall
(a) 759 appoint one member of said Board.

(a) 760 (ii) The full membership of The Board shall meet and appoint civilian commissioners as
(a) 761 may be necessary to constitute the full membership. Appointed civilian members
(a) 762 shall not be members of any **Town** fire company.

(a) 763 (iii) Each new volunteer fire company admitted to the Fire Department shall be entitled
(a) 764 to appoint one additional new member of said Board and said Board shall also
(a) 765 appoint one additional new civilian member in the manner prescribed in
(a) 766 Subsections 2-235(b)(1)(i) and (ii).

(a) 767 (iv) Should a volunteer fire company fail to appoint a member of said Board, the
(a) 768 commissioners shall within 30 days appoint a civilian member to fill the vacancy
(a) 769 who shall not be a member of any fire company.

(a) 770 (2) The term of office shall be for three years.

(a) 771 (c) The Board of Fire Commissioners shall be responsible for the financial management of the
(a) 772 Fire Department and for the supervision and care of **Town** apparatus and equipment used
(a) 773 by the Fire Department. It may set specifications which shall be followed in the purchase of
(a) 774 apparatus, equipment and supplies by the **Town** for the Fire Department.

(a) 775 (d) The organization, government, membership and management of the Fire Department shall
(a) 776 be in accordance with the by-laws and regulations of the departments in effect on the
(a) 777 effective date of this Charter. Such by-laws and regulations may be amended by the Board of
(a) 778 Fire Commissioners. Amendments to the by-laws, however, shall become effective only on
(a) 779 approval by a majority of the volunteer fire companies which are members of the Fire
(a) 780 Department.

(a) 781 (e) The Board of Fire Commissioners shall appoint a fire marshal and may appoint deputy fire
(a) 782 marshals and fire policemen, who shall have the powers and duties prescribed for their
(a) 783 offices by the **General Statutes** or by ordinance.

- (a) 784 **2-240 Inland Wetlands Commission**
- (a) 785 (a) Summary of General Responsibilities: There shall be an Inland Wetlands Commission which
(a) 786 shall act as the **Town's** Aquifer Protection Agency; establish, amend and administer the
(a) 787 Inland Wetlands and Watercourses Regulations; and administer the Forest Practices
(a) 788 Regulations of the **Town**.
- (a) 789 (b) Membership and Terms:
- (a) 790 (1) The Commission shall consist of seven members.
- (a) 791 (2) The term of office shall be four years.
- (a) 792 **2-245 Justices of the Peace**
- (a) 793 (a) Summary of General Responsibilities: The powers and responsibilities of the Justices of the
(a) 794 Peace include but are not limited to general oath giving powers, taking of acknowledgments,
(a) 795 joining persons in marriage, and taking depositions.
- (a) 796 (b) Membership and Terms:
- (a) 797 (1) There shall be 15 justices of the peace selected in accordance with and having the
(a) 798 powers and duties prescribed by the **General Statutes**.
- (a) 799 (2) The term of office shall be 4 years.
- (a) 800 **2-250 Parks and Recreation Commission**
- (a) 801 (a) Summary of General Responsibilities: The Parks and Receptions Commission shall be
(a) 802 charged with the care, management and supervision of all public parks and other areas set
(a) 803 aside by the **Town** for recreational purposes or donated to the **Town** for such use. It shall
(a) 804 undertake and develop such recreational program or programs as the needs of the **Town**
(a) 805 require, provided there is an appropriation or private donations have been received for this
(a) 806 purpose.
- (a) 807 (b) Membership and Terms:
- (a) 808 (1) The Parks and Recreation Commission shall consist of 7 members.
- (a) 809 (2) The term of office shall be two years.
- (a) 810 (c) The Parks and Recreation Commission is empowered to appoint ad hoc committees to assist
(a) 811 with special projects.
- (a) 812 **2-255 Pension Commission**
- (a) 813 (a) Summary of General Responsibilities: There shall be a Pension Committee, as established by
(a) 814 ordinance, which shall perform the duties set forth in the Other Post-Employment Benefits
(a) 815 (OPEB) Trust Agreement, as amended from time to time, relating to the management of the
(a) 816 assets held in the OPEB Trust. The Commission shall have other powers and duties
(a) 817 consistent with the **General Statutes** and as prescribed by ordinance.
- (a) 818 (b) Membership and Terms:
- (a) 819 (1) The Committee shall be composed of seven members.
- (a) 820 (2) The term of office shall be two years.

(a) 821 **2-260 Public Building and Site Commission**

(a) 822 (a) Summary of General Responsibilities: The Public Building and Site Commission shall have
(a) 823 control of supervision and construction of building projects including the improvement of
(a) 824 lands, major new construction, alterations or extensions, furnishing or equipping of a
(a) 825 building to be used for public purposes. [The Public Building and Site Commission may](#)
(a) 826 [decline the supervision of a project when it determines that the public interest would be](#)
(a) 827 [served by assigning supervision to one or more qualified entities.](#)

(a) 828 (b) Membership and Terms:

(a) 829 (1) The Commission shall be composed of seven members and two alternate members.

(a) 830 (2) The term of office shall be four years for both members and alternates.

(a) 831 (c) The Public Building and Site Commission is empowered to appoint ad hoc committees to
(a) 832 assist with special projects.

(a) 833 **2-265 Public Safety Committee**

(a) 834 (a) Summary of General Responsibilities: The Public Safety Committee shall review
(a) 835 correctional safety and security issues at Garner Correctional Facility which affect the
(a) 836 **Town.**

(a) 837 (b) Membership and Terms:

(a) 838 (1) The Committee shall be composed of the warden or superintendent of the correctional
(a) 839 facility. Other representatives shall be filled by the First Selectman in accordance with
(a) 840 Subsection 2-201(a) of this Charter.

(a) 841 (2) Representatives appointed by the First Selectman serve at his or her pleasure.

(a) 842 **2-270 Self-Funded Health Insurance Fund Commission**

(a) 843 (a) Summary of General Responsibilities: The Self-Funded Health Insurance Fund Commission
(a) 844 shall be the stewards of the Self-Funded Health Insurance Fund.

(a) 845 (b) Membership and Terms:

(a) 846 (1) The Commission shall be composed of three regular members and two alternate
(a) 847 members.

(a) 848 (2) The term of office shall be three years.

(a) 849 ~~(3) No person shall be appointed to more than two consecutive full terms.~~

(a) 850 **2-275 Sustainable Energy Commission**

(a) 851 (a) Summary of General Responsibilities: The Sustainable Energy Commission shall identify,
(a) 852 implement, and support renewable energy use, energy efficiency, and energy conservation
(a) 853 programs in which the **Town's** residents, businesses, organizations, and **Town** agencies can
(a) 854 participate and that may result in cost savings to the **Town** or school district.

(a) 855 (b) Membership and Terms:

(a) 856 (1) The Commission shall be composed of nine members.

(a) 857 (2) The term of office shall be ~~four~~[three](#) years.

(a) 858 **2-280 Trustees of the Cyrenius H. Booth Library, Board of**

(a) 859 (a) Summary of General Responsibilities: The Cyrenius H. Booth Library shall be operated by
(a) 860 the Board of Trustees and the Trustees shall have the status, powers and duties set forth in
(a) 861 Special Act No. 108 of the 1931 session of the General Assembly as amended by Special Act
(a) 862 No. 110 of the 1959 session of the General Assembly, which acts shall remain in full force
(a) 863 and effect, except to the extent superseded or revised by this Charter.

(a) 864 (b) Membership and Terms:

(a) 865 (1) The Board of Trustees shall consist of 16 members of which eight shall be appointed by
(a) 866 the First Selectman with the approval of the Board of Selectmen. The remainder shall be
(a) 867 elected by the vote of the remaining Trustees present and voting at a meeting warned
(a) 868 for the purpose.

(a) 869 (2) The term of office shall be four years.

(a) 870 ~~(3) Trustees shall serve no more than two consecutive full terms. In no event may any~~
(a) 871 ~~trustee serve more than eight years on the Board in succession. At such time, the~~
(a) 872 ~~trustee's seat shall be deemed vacant. Any trustee having served for eight years in~~
(a) 873 ~~succession on said Board shall be ineligible for reappointment for two years after last~~
(a) 874 ~~serving on said Board.~~

(a) 875 **2-285 Water and Sewer Authority**

(a) 876 (a) Summary of General Responsibilities: The Water and Sewer Authority shall plan and direct
(a) 877 the development, acquisition, financing, construction, operation and maintenance of such
(a) 878 water supply, water distribution systems, and sewerage systems as may be required to
(a) 879 properly serve the needs of the **Town**.

(a) 880 (b) Membership and Terms:

(a) 881 (1) The Authority shall be composed of seven members two of whom shall be made on the
(a) 882 recommendation of the Board of Burgesses of the Borough of Newtown.

(a) 883 (2) The term of office shall be four years.

(a) 884 **2-300 Regional Authorities and Boards**

(a) 885 **2-305 Lake Lillinonah Authority**

(a) 886 (a) Summary of General Responsibilities: The **Town** shall participate in the Lake Lillinonah
(a) 887 Authority to exercise all powers relating to improving water quality, the enforcement of
(a) 888 boating laws on said lake, and such other powers as from time to time may be granted to the
(a) 889 Authority by the legislative bodies of all member towns and [section 7-151a of the General](#)
(a) 890 **Statutes**.

(a) 891 (b) Membership and Terms:

(a) 892 (1) Member Towns shall be the Town of Newtown and can be other towns having Lake
(a) 893 Lillinonah within their territorial limits.

(a) 894 (2) The Authority shall be composed of three delegates from each member town.

(a) 895 (3) The term of office shall be three years.

(a) 896 **2-310 Lake Zoar Authority**

(a) 897 (a) Summary of General Responsibilities: The **Town** shall participate in the Lake Zoar Authority
(a) 898 to exercise all powers relating to improving water quality, the enforcement of boating laws
(a) 899 on said lake, and such other powers as from time to time may be granted to the Authority by
(a) 900 the legislative bodies of all member towns and [section 7-151a of the General Statutes](#).

(a) 901 (b) Membership and Terms:

(a) 902 (1) Member Towns shall be the Town of Newtown and can be other towns having Lake Zoar
(a) 903 within their territorial limits.

(a) 904 (2) The Authority shall be composed of three delegates from each member town.

(a) 905 (3) The term of office shall be three years.

(a) 906 **2-315 Newtown Health District Health Board**

(a) 907 (a) Summary of General Responsibilities: The Newtown Health District Health Board shall
(a) 908 preserve and improve the status of public health by (1) upholding and enforcing the Public
(a) 909 Health Code of the State of Connecticut and such ordinances and regulations as may be
(a) 910 adopted by the District Board of Health and (2) working with other providers of health
(a) 911 services in the district to better coordinate existing programs and to plan and implement
(a) 912 new health programs.

(a) 913 (b) Membership and Terms:

(a) 914 (1) Each municipality and/or Borough which has voted to become part of the District shall,
(a) 915 by its Board of Selectmen, appoint a representative(s), based on population, to serve on
(a) 916 the District Board of Health and may appoint an alternate to serve in the absence of said
(a) 917 representative(s).

(a) 918 (2) The term of office shall be three years.

(a) 919 **CHAPTER 3 ELECTIONS AND REFERENDA**

(a) 920 **3-05 Town Elections**

(a) 921 (a) The election of **Town** officials shall take place at the **Town Election** during such hours as
(a) 922 are established by the **General Statutes**.

(a) 923 (b) Special elections may be held in accordance with the **General Statutes**.

(a) 924 **3-10 Legislative Council Districts**

(a) 925 (a) There shall be 3 districts from which Legislative Council members are elected.

(a) 926 (b) The districts as presently established shall continue until the assembly and senatorial
(a) 927 districts of the State of Connecticut are revised in accordance with Article Third, Section 6 of
(a) 928 the Constitution of Connecticut.

(a) 929 (1) Within 60 days of the completion of said revision, the Registrars of Voters shall prepare
(a) 930 proposed **Legislative Council District** lines for 3 districts having as nearly equal
(a) 931 population as is practicable.

(a) 932 (2) Within 6 months of the completion of each such assembly and senatorial redistricting,
(a) 933 the Legislative Council shall adopt, by 7 affirmative votes, final **Legislative Council**
(a) 934 **District** lines.

(a) 935 **3-15 Election of Boards and Commissions**

- (a) 936 (a) At each regular **Town Election**, there shall be elected:
- (a) 937 (1) a Board of Selectmen consisting of the First Selectman and 2 Selectmen;
- (a) 938 (2) a Legislative Council consisting of 4 members from each **Legislative Council District** as
- (a) 939 established in Section 3-10;
- (a) 940 (3) three alternate members of the Planning and Zoning Commission;
- (a) 941 (4) three alternate members of the Zoning Board of Appeals; and
- (a) 942 (5) two members of the Board of Managers of the Edmond Town Hall.
- (a) 943 (b) At each regular **Town Election** members of the Board of Education, the Planning and
- (a) 944 Zoning Commission, Board of Assessment Appeals, Zoning Board of Appeals, and the Police
- (a) 945 Commission shall be elected and the number to be elected shall be determined by the
- (a) 946 number of members whose terms expire on or before the December 1st after the election.
- (a) 947 (c) At the regular **Town Election** following the Presidential Election, the Town Clerk shall be
- (a) 948 elected.
- (a) 949 (d) At the Presidential election, there shall be elected Registrars of Voters.
- (a) 950 ~~(e) In the 2017 **Town Election**, three members of the Board of Finance having two year terms~~
- (a) 951 ~~and three members of the Board of Finance having four years shall be elected. In the 2019~~
- (a) 952 ~~**Town Election**, three members of the Board of Finance having four year terms shall be~~
- (a) 953 ~~elected. Thereafter, elections for the Board of Finance shall be as set forth in Subsection 3-~~
- (a) 954 ~~15(b).~~

(a) 955 **3-20 Elections for Vacated Seats**

- (a) 956 (a) All vacancies in elective office shall be filled at the next regular **Town Election** except
- (a) 957 where prohibited by the **General Statutes** or at a special election called as provided in
- (a) 958 Section 9-164 of the **General Statutes** by the Board of Selectman or by application of
- (a) 959 **Resident Electors**.
- (a) 960 (b) The person appointed pursuant to Section ~~Error! Reference source not found.2-31~~ to fill a
- (a) 961 vacancy in an elective office shall serve only until a successor is elected to fill the vacancy at
- (a) 962 a special election or at the next regular **Town Election** and has qualified. A person elected
- (a) 963 to fill a vacancy and a person appointed to fill a vacancy, which is not to be filled at the next
- (a) 964 regular **Town Election** because such election is prohibited by the **General Statutes**, shall
- (a) 965 serve the remainder of the term.

(a) 966 **3-25 Referendum**

- (a) 967 (a) An ~~Annual Town Budget Referendum~~**Annual Town Budget Referendum** [see Section 6-
- (a) 968 20(f)(2)] shall be held on the fourth Tuesday of April for adoption of the **Town**
- (a) 969 ~~Budget~~**Town Budget**. If necessary, additional budget referenda shall be held as provided in
- (a) 970 Subsection 6-25(b). The Legislative Council may recommend a referendum to approve
- (a) 971 ~~Special Appropriation~~**Special Appropriations** or real property dispositions in excess of
- (a) 972 the Legislative Council's authority as established in Subsection 6-35(e).
- (a) 973 (b) There shall be a right of petition for a referendum from any of the following:
- (a) 974 (1) any ~~Special Appropriation~~**Special Appropriation** made by the Legislative Council
- (a) 975 pursuant to Section ~~6-356-30(b)~~ of this Charter;

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- (a) 976 (2) any proposed ordinance rejected, enacted, modified and enacted or repealed by the
(a) 977 Legislative Council pursuant to Section 5-05 of this Charter; and
- (a) 978 (3) any vote by the Legislative Council to acquire, reserve or dispose of real property or an
(a) 979 interest in real property taken in accordance with Subsections ~~8-05(a)(1)~~ ~~8-05(e)(2)~~ and
(a) 980 ~~7-05(a)~~ ~~8-15(d)~~ of this Charter.
- (a) 981 (c) The exclusive procedure to obtain a referendum authorized by Subsection 3-25(b) shall be
(a) 982 by petition signed by at least 5% of the **Resident Electors** listed in the last-completed
(a) 983 registry list and filed with the Town Clerk no later than the close of business on the seventh
(a) 984 day following the date on which the Legislative Council acted. The seven day period
(a) 985 commences on the day that notice of the action of the Legislative Council is filed with the
(a) 986 Town Clerk, unless the notice is filed after 12 noon in which case the period will commence
(a) 987 on the next business day.
- (a) 988 (d) The form of any petition shall be submitted to the Town Clerk prior to being circulated and
(a) 989 shall include the following:
- (a) 990 (1) The entire resolution acted upon by the Legislative Council that the petitioners desire to
(a) 991 have acted upon by referendum.
- (a) 992 (2) A statement of the action the Legislative Council took with regard to such resolution.
- (a) 993 (3) A statement that the undersigned petitioners are opposed to the action of the
(a) 994 Legislative Council and petition that the resolution be presented to the voters.
- (a) 995 (4) A circulator's statement meeting the requirements of the **General Statutes** shall appear
(a) 996 on every sheet on which a petitioner's signature appears.
- (a) 997 (5) The date on which the circulator began to circulate the petition shall be set forth in the
(a) 998 statement of the circulator.
- (a) 999 (e) No signatures on any petition circulated prior to the taking of action by the Legislative
(a) 1000 Council shall be counted in determining whether sufficient signatures have been received to
(a) 1001 force a referendum.
- (a) 1002 (f) Upon receipt of a timely filed petition for referendum the Town Clerk shall immediately
(a) 1003 determine the number constituting 5% of the last-completed registry list, verify whether or
(a) 1004 not said number of electors have signed such a petition and report said fact to the Board of
(a) 1005 Selectmen.
- (a) 1006 (g) Upon notice from the Town Clerk that a petition bearing sufficient verified signatures has
(a) 1007 been received, the Board of Selectmen shall warn a referendum to be held not less than 7
(a) 1008 nor more than 14 days after the receipt of said petition by the Town Clerk, 5 or more days
(a) 1009 prior to the date of the referendum according to Subsection 1-25(b). In computing said 5
(a) 1010 days, the day of the referendum shall be excluded, but the day of publication, Saturdays,
(a) 1011 Sundays and legal holidays shall be included. Eligibility to vote at a referendum shall be
(a) 1012 determined by Section 7-6 of the **General Statutes**. The referendum shall be held between
(a) 1013 the hours of 6:00 A.M. and 8:00 P.M. on the date set by the Board of Selectmen.
- (a) 1014 (h) The question to be voted upon by referendum shall be the same resolution as was acted
(a) 1015 upon by the Legislative Council, without amendment.

(a) 1016 **CHAPTER 4 ADMINISTRATIVE OFFICERS**

(a) 1017 **4-05 Finance Director**

- (a) 1018 (a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council
(a) 1019 and with recommendation from the Board of Finance, shall appoint a Finance Director to an
(a) 1020 indefinite term. The First Selectman, Board of Selectmen, Board of Finance, and Legislative
(a) 1021 Council shall choose and consider all candidates for the position of Finance Director solely
(a) 1022 on the basis of such candidate's professional qualifications, character, training, and
(a) 1023 experience in the field of financial management.
- (a) 1024 (b) The Finance Director shall report to the First Selectman as provided in Subsection 2-110(b)
(a) 1025 of this Charter.
- (a) 1026 (c) The Finance Director shall:
- (a) 1027 (1) Keep all books of account of the **Town** and shall establish and maintain a general cost
(a) 1028 accounting system for all **Town Departments**, consistent with all State Laws and
(a) 1029 subject to the regulations adopted by the Board of Finance and approved by the
(a) 1030 Legislative Council;
- (a) 1031 (2) Have all of the powers and duties imposed by the **General Statutes** or by special act or
(a) 1032 law on town treasurers, and shall be Treasurer of all funds held by the **Town**;
- (a) 1033 (3) Receive and have custody of all funds belonging to or under the control of the **Town** or
(a) 1034 any **Town Department** or officer and shall make such deposits or investments as he or
(a) 1035 she deems in the best interest of the **Town** within the limits imposed on such deposits
(a) 1036 or investments by the **General Statutes**;
- (a) 1037 (4) Determine when to issue authorized notes or bonds consistently with the provisions of
(a) 1038 Section 7-10;
- (a) 1039 (5) Approve or disapprove of requisitions or other requests for disbursements of **Town**
(a) 1040 funds as provided for in Section 7-15; No disbursements of **Town** funds shall be made,
(a) 1041 except as authorized by the Finance Director;
- (a) 1042 (6) Prepare and keep a detailed budget document during the different phases of the Annual
(a) 1043 Budget Process as described in Section 6-10;
- (a) 1044 (7) Prepare **Financial Impact Statements** for ~~Special Appropriation~~**Special**
(a) 1045 **Appropriations**, gifts or financial assistance, and property acquisition in accordance
(a) 1046 with Sections ~~6-356-30(b)~~, 6-40, ~~7-058-05~~, and ~~7-058-20~~;
- (a) 1047 (8) Maintain a 5 year capital improvement plan in accordance with the regulations [see
(a) 1048 Subsection 5-10(b)] of the Legislative Council and shall submit an updated version of
(a) 1049 such plan to the Board of Finance and Legislative Council no later than the fifteenth day
(a) 1050 of January each year;
- (a) 1051 (9) Prepare a cost analysis of all labor contracts, pension plans and insurance plans prior to
(a) 1052 the signing of any such contracts or plans; and
- (a) 1053 (10) Assist in all labor negotiations serving as a consultant to the labor negotiators
(a) 1054 representing the **Town**.
- (a) 1055 (d) The Finance Director, with the approval of the First Selectman and Board of Selectmen and
(a) 1056 within the limits of the available appropriations, may hire qualified employees and delegate

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- (a) 1057 specific functions of the aforesaid duties. However, he or she shall at all times remain fully
(a) 1058 responsible for carrying out the duties and responsibilities imposed by this Charter.
- (a) 1059 (e) The First Selectman, with the approval of the Board of Selectmen and with the approval of
(a) 1060 the Legislative Council after a hearing before the Council, may remove the Finance Director
(a) 1061 from office, with or without cause.

(a) 1062 **4-10 Tax Collector**

- (a) 1063 (a) The First Selectman, with the approval of the Board of Selectmen, shall nominate and
(a) 1064 appoint a Tax Collector to a term of 4 years commencing the first day of February of 1990
(a) 1065 and every February first every 4 years thereafter. The First Selectman and the Board of
(a) 1066 Selectmen shall choose and consider all candidates for the position of Tax Collector solely
(a) 1067 on the basis of such candidate's professional qualifications, character, training and
(a) 1068 experience. The Tax Collector need not be a resident of the **Town**. The person appointed to
(a) 1069 fill the vacancy shall serve the balance of the unexpired term ~~only~~. The Tax Collector shall
(a) 1070 have the powers, duties and compensation set forth in the provisions of Subsection 4-10(b)
(a) 1071 of this Charter.
- (a) 1072 (b) The Tax Collector shall exercise the powers and duties of a Tax Collector as provided by the
(a) 1073 **General Statutes**, except as hereinafter provided, and shall perform such other duties as
(a) 1074 required by this Charter. The receipts to be paid to the Tax Collector shall be collected in
(a) 1075 accordance with the provisions of the **General Statutes** or this Charter or ordinances of this
(a) 1076 **Town** and shall be deposited with the Finance Director of the **Town**. The Tax Collector shall
(a) 1077 also keep a record of receipts, which shall show the name of each person from whom money
(a) 1078 is received, the amounts thereof, and for what received. The expenses of the office will be
(a) 1079 provided for in the usual budgetary manner.
- (a) 1080 (c) The Tax Collector shall receive a salary in lieu of all fees and other compensation.

(a) 1081 **4-15 Town Assessor**

- (a) 1082 (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint an Assessor
(a) 1083 to a term of 4 years who shall be chosen solely on the basis of professional qualifications,
(a) 1084 character, training and experience. The Assessor need not be a resident of the **Town**.
(a) 1085 Expiration of each 4 year term shall be computed from expiration of the initial term on
(a) 1086 February 28, 1972. The person appointed to fill a vacancy shall serve the balance of the
(a) 1087 unexpired term ~~only~~. The Assessor shall have the powers and duties prescribed for the
(a) 1088 office by ordinance and the **General Statutes**.
- (a) 1089 (b) The duties and responsibilities of the office, the minimum qualifications for office and the
(a) 1090 methods to be used in the selection of the Assessor, including methods and agencies of
(a) 1091 administration of professional examinations, shall be prescribed by ordinance.

(a) 1092 **4-20 Building Inspector**

- (a) 1093 (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint a Building
(a) 1094 Inspector. The Building Inspector shall have the qualifications prescribed by the **General**
(a) 1095 **Statutes** and shall have such other qualifications as may be prescribed by ordinance of the
(a) 1096 Board of Selectmen. The Building Inspector shall have such powers and duties as may be
(a) 1097 prescribed by ordinance and by the **General Statutes**.

- (a) 1098 **4-25 Town Attorney**
- (a) 1099 (a) The First Selectman, with the approval of the Board of Selectmen, may appoint one or more
(a) 1100 Town Attorneys to furnish such legal services to the **Town** and its departments as the First
(a) 1101 Selectman authorizes.
- (a) 1102 (b) The Legislative Council Chairman may appoint, with the approval of the affirmative vote of
(a) 1103 8 members of the Legislative Council, an attorney to furnish legal services to the Legislative
(a) 1104 Council.
- (a) 1105 **4-30 Emergency Management Director**
- (a) 1106 (a) The Emergency Management Director shall be appointed in accordance with the **General**
(a) 1107 **Statutes**.
- (a) 1108 **4-35 Department of Public Works**
- (a) 1109 (a) There shall exist within the **Town** a Department of Public Works administered by such
(a) 1110 employees having such supervisory and administrative functions as may be determined by
(a) 1111 the First Selectman, with the approval of the Board of Selectmen. The Department of Public
(a) 1112 Works shall perform such functions regarding the construction and maintenance of
(a) 1113 highways and the construction and maintenance of town-owned buildings and grounds,
(a) 1114 other than the Cyrenius H. Booth Library, the Edmond Town Hall and buildings the
(a) 1115 operation and control of which is vested in the Board of Education, as are assigned to it by
(a) 1116 the Board of Selectmen. Nothing herein shall be deemed to limit the First Selectman with
(a) 1117 the approval of the Board of Selectmen from hiring independent contractors to perform
(a) 1118 such maintenance and construction. The Department of Public Works shall perform such
(a) 1119 maintenance on the Cyrenius H. Booth Library, the Edmond Town Hall and buildings subject
(a) 1120 to the operation and control of the Board of Education as is requested by the Trustees of the
(a) 1121 Cyrenius H. Booth Library, the Board of Managers of the Edmond Town Hall and the Board
(a) 1122 of Education, provided funds have been appropriated or transferred to the account of the
(a) 1123 Department of Public Works as are necessary to fulfill the requests of said Trustees and
(a) 1124 Boards.
- (a) 1125 **4-40 Employees**
- (a) 1126 (a) The First Selectman may establish hours of work, set wages or salaries within the range set
(a) 1127 by the Board of Selectmen, and hire, suspend or dismiss employees of the **Town**, except
(a) 1128 employees of the Board of Education and employees whose employment and removal are
(a) 1129 otherwise provided for by this Charter or by the **General Statutes**. The First Selectman
(a) 1130 may, by written order, delegate this power to other departments of the **Town** with respect
(a) 1131 to employees of such departments.
- (a) 1132 (b) Uniform procedures for the recruitment and removal of any class of employees which the
(a) 1133 First Selectman may hire, suspend or dismiss, a general merit system and a pension plan for
(a) 1134 employees of the **Town** may be established by ordinance.
- (a) 1135 (c) All appointed employees of the **Town** other than those who work for the Board of
(a) 1136 Education shall report to the First Selectman for administrative purposes.
- (a) 1137 (d) Any employee, other than the Finance Director, who has been suspended or dismissed by
(a) 1138 the First Selectman and for whom no grievance procedure is provided in a collective
(a) 1139 bargaining agreement may within 15 days of his removal, request in writing a hearing
(a) 1140 before the Board of Selectmen which hearing shall be held within 15 days from the date of
(a) 1141 receipt of such request. The employee may appear at the hearing with counsel. The Board of

- (a) 1142 Selectmen shall, within 15 days after the conclusion of the hearing, act to affirm, modify or
- (a) 1143 reverse the action of the First Selectman.

(a) 1144 **4-45 Regular Constables**

- (a) 1145 (a) Not more than 7 constables shall be appointed by the First Selectman with the approval of
- (a) 1146 the Board of Selectmen for a term of 2 years with no more than a bare majority from any
- (a) 1147 one political party, and they shall have the powers and duties prescribed for constables by
- (a) 1148 this Charter and the **General Statutes**.

(a) 1149 **4-50 Other Officers and Departments**

- (a) 1150 (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint such other
- (a) 1151 officers, committees or commissions as are required by the **General Statutes**.
- (a) 1152 (b) The First Selectman, with the approval of the Board of Selectmen, may appoint such other
- (a) 1153 officers as are authorized by the **General Statutes** or by ordinance, subject to the provision
- (a) 1154 of necessary appropriations.
- (a) 1155 (c) The First Selectman with the approval of the Board of Selectmen may establish and
- (a) 1156 maintain, subject to the provision of necessary appropriations, other departments for the
- (a) 1157 administration of functions of the **Town**.

(a) 1158 **CHAPTER 5 LEGISLATIVE PROCESSES**

(a) 1159 **5-05 Ordinances**

- (a) 1160 (a) The Legislative Council, by majority vote consisting of at least 6 affirmative votes, shall have
- (a) 1161 the power to make, alter and repeal ordinances not inconsistent with the Constitution or
- (a) 1162 **General Statutes** of the State of Connecticut or the provisions of this Charter, for the
- (a) 1163 execution of the powers now or hereinafter vested in the **Town** for the governance of the
- (a) 1164 **Town** and management of its affairs, the preservation of good order and for the peace,
- (a) 1165 health, welfare and safety of its inhabitants and the protection and security of their
- (a) 1166 property.
- (a) 1167 (b) Prior to action on an ordinance by the Legislative Council it shall conduct a public hearing at
- (a) 1168 which all persons interested shall be given a reasonable opportunity to be heard on the
- (a) 1169 proposed ordinance.
- (a) 1170 (c) Notice of the date, time and place of said hearing and the full text of any proposed ordinance
- (a) 1171 shall be published in a newspaper having a substantial circulation in the **Town** at least 10
- (a) 1172 days before the day on which such hearing is to be held.
- (a) 1173 (d) Action by the Legislative Council, either repealing, enacting, or modifying and enacting, or
- (a) 1174 refusing to enact a proposed ordinance shall be taken within 30 days of the hearing held
- (a) 1175 thereon.
- (a) 1176 (e) Following action by the Legislative Council, notice of said action shall be according to
- (a) 1177 Subsection 1-25(b) within 21 days of such Legislative Council action and filed with the
- (a) 1178 Town Clerk. If the ordinance was modified and enacted as modified, notice of such action
- (a) 1179 shall include publication of the full text of the ordinance as enacted.
- (a) 1180 (f) Any ordinance enacted shall not become effective sooner than 14 days after the date of
- (a) 1181 publication of such notice and, if no other date is given as the effective date of such
- (a) 1182 ordinance, shall become effective on the fifteenth day after publication. If a referendum is

(a) 1183 called in accordance with the provisions of Subsection 3-25(c) of this Charter, the effective
(a) 1184 date of such ordinance shall be suspended until the date of the day after the referendum.

(a) 1185 (g) The **Town** may enact ordinances relative to any matter on which the **Town** is empowered
(a) 1186 to act by law. If the Borough of Newtown has enacted an ordinance on the same subject, the
(a) 1187 ordinance enacted by the **Town** shall apply only to the portions of the **Town** outside the
(a) 1188 Borough.

(a) 1189 **5-10 Regulations**

(a) 1190 (a) Where regulations of the Legislative Council are authorized by this Charter, they shall be
(a) 1191 adopted, amended or repealed by majority vote of the Legislative Council, consisting of at
(a) 1192 least 6 affirmative votes. Any proposed regulation, amendment or repeal shall be referred to
(a) 1193 the Board of Selectmen for comment or consultation prior to action. A similar reference
(a) 1194 shall be made to the Board of Education or other **Town BodyTown Department** if its
(a) 1195 interests is affected. All regulations regarding financial matters shall be referred for review
(a) 1196 and recommendation to or may originate from the Board of Finance prior to action.
(a) 1197 Referrals can be acted on by the Legislative Council after 90 days. Such financial regulations
(a) 1198 shall also be referred to the Board of Selectman and the Finance Director prior to action.

(a) 1199 (b) The development of the regulation governing the five year Capital Improvement Plan and
(a) 1200 any subsequent amendments to the regulation shall be the duty of the Legislative Council
(a) 1201 with the recommendation of the Board of Finance.

(a) 1202 (c) Following action by the Legislative Council, the full text of the regulation adopted or as
(a) 1203 amended shall be filed with the Town Clerk within 10 days of such action. Regulations
(a) 1204 enacted or amended shall become effective on the fifteenth day after such action.

(a) 1205 **5-15 Emergency Ordinances**

(a) 1206 (a) Any provision of this Charter to the contrary notwithstanding, the Legislative Council may
(a) 1207 by the affirmative vote of ~~two-thirds of its entire authorized membership~~**eight of its**
(a) 1208 **members**, enact emergency ordinances without a public hearing and without publication or
(a) 1209 other notice prior to enactment and without the right of the voters to petition for a
(a) 1210 referendum. The reasons for such emergency shall be stated explicitly in the vote of the
(a) 1211 Legislative Council enacting such ordinance and the preamble of the ordinance shall set
(a) 1212 forth the existence and nature of the emergency and that the enactment of the ordinance is
(a) 1213 necessary for the immediate protection of the peace, health, welfare or property of the
(a) 1214 citizens of the **Town**. An emergency ordinance shall become effective immediately upon the
(a) 1215 notice thereof according to Subsection 1-25(b) and upon filing of the same with the Town
(a) 1216 Clerk. An emergency ordinance shall cease to be effective upon the expiration of a period of
(a) 1217 60 days after its publication unless the ordinance shall be reenacted prior to the expiration
(a) 1218 of said period in accordance with the requirements set forth in Section 5-05 of this Charter,
(a) 1219 which action shall be subject to the right of referendum as set forth in Subsection 3-25(b) of
(a) 1220 this Charter.

(a) 1221 **CHAPTER 6 BUDGET PROCESSES**

(a) 1222 **6-01 General Provisions**

(a) 1223 (a) The following terms shall have the meaning ascribed to them in the referenced section of
(a) 1224 this Charter:

(a) 1225 (1) ~~Board of Education Budget~~**Board of Education Budget** – Subsection 6-05(a),

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(a) 1226 (2) ~~First Selectman's Budget~~**First Selectman's Budget** – Subsection 6-05(b),

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(a) 1227 (3) ~~Board of Selectmen Budget~~**Board of Selectmen Budget**~~Board of Selectmen's~~
(a) 1228 **Budget** – Subsection 6-05(b),

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(a) 1229 (4) ~~Recommended Board of Finance Budget~~**Recommended Board of Finance Budget** –
(a) 1230 Subsection 6-15(c)(3),

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(a) 1231 (5) ~~Town Budget~~**Town Budget** – Subsection 6-20(c),

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(a) 1232 (6) ~~Annual Town Budget Referendum~~**Annual Town Budget Referendum** – Subsection
(a) 1233 6-25(a),

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(a) 1234 (7) ~~Special Appropriation~~**Special Appropriation** – Subsection 6-35(a),

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(a) 1235 (8) ~~Emergency Appropriation~~**Emergency Appropriation** – Subsection 6-35(a).

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(a) 1236 **6-02 The Budget Conference**

(a) 1237 ~~(a) Prior to November 1st, town officials responsible for the budget should meet at reasonably~~
(a) 1238 ~~convenient times and confer. The conferees should discuss and review the status of the~~
(a) 1239 ~~existing budget, existing programs, goals that are desirable to achieve, expenditures~~
(a) 1240 ~~required to achieve such goals, the affordability of required expenditures and other subjects~~
(a) 1241 ~~relevant to the budget. The conferees shall include the First Selectman, Superintendent of~~
(a) 1242 ~~Schools, the Chair of the Legislative Council and all or selected members of the Board of~~
(a) 1243 ~~Selectmen, Board of Education, Board of Finance and up to three additional members of the~~
(a) 1244 ~~Legislative Council.~~

(a) 1245 **6-05 Preparation of the Board of Selectmen and Board of Education Budget**

(a) 1246 **Proposals**

(a) 1247 (a) Not later than February 14th, in such form and with such supporting data as the Board of
(a) 1248 Finance shall require, the Board of Education shall submit to the Board of Finance an
(a) 1249 itemized estimate of expenditures proposed for the provision and maintenance of **quality**
(a) 1250 **good** public elementary and secondary schools and an itemized estimate of all revenue
(a) 1251 other than **Town** appropriations to be received by the Board of Education for its use during
(a) 1252 the next fiscal year (the "Board of Education Budget").

(a) 1253 (b) At such time and in such manner as the First Selectman may require, every **Town**
(a) 1254 **Department** other than the Board of Education shall present to the First Selectman an
(a) 1255 itemized estimate of the expenditures to be made by and revenues to be received by such
(a) 1256 departments during the next fiscal year. After such revisions as the First Selectman may
(a) 1257 make, the First Selectman shall submit a comprehensive estimate of expenditures (the "First
(a) 1258 Selectman's Budget") to the Board of Selectmen by February 1st. The estimates shall be
(a) 1259 accompanied by such other reports and information as the Board of Selectmen may require.
(a) 1260 The Board of Selectmen shall then revise the estimates, as it deems desirable, and submit
(a) 1261 the revisions to the Board of Finance in such form and with supporting data as the Board of
(a) 1262 Finance shall require no later than February 14th. (the "Board of Selectmen Budget").

(a) 1263 **6-10 Role of the Finance Director**

- (a) 1264 (a) The Finance Director shall advise all **Town Department** participating in the budget process
(a) 1265 at such times and manner as they may reasonably request.
- (a) 1266 (b) The Finance Director shall create and maintain a budget document throughout the budget
(a) 1267 process described in Sections 6-05 through 6-20(f)(2). Said document shall be comprised of
(a) 1268 the proposed ~~Board of Selectmen Budget~~**Board of Selectmen Budget** and a single line
(a) 1269 item representing the proposed Board of Education appropriation. Estimated revenues,
(a) 1270 including sources of such revenues, and an estimated tax levy shall be added by the Finance
(a) 1271 Director to the budget document.
- (a) 1272 (c) The Finance Director shall be responsible for causing the publication of the proposed
(a) 1273 budgets whenever publication is required by the provisions of this Charter.

(a) 1274 **6-15 Financial Review of the Proposed Budgets by the Board of Finance**

- (a) 1275 (a) The Board of Finance shall conduct a public hearing not later than the first Wednesday in
(a) 1276 March on the proposed budgets and at said hearing or any adjournment thereof it shall hear
(a) 1277 all persons eligible to vote as defined in section 7-6 of the General Statutes who may desire
(a) 1278 to be heard relative to the proposed budgets.
- (a) 1279 (b) The proposed budgets shall be warned according to Subsection 1-25(b) not later than five
(a) 1280 (5) days prior to said hearing. The publication shall include the proposed budgets showing
(a) 1281 in parallel columns, for each item, the sum budgeted for the current fiscal year, the sum
(a) 1282 expended for the prior fiscal year and the sum proposed for the next fiscal year and the
(a) 1283 estimated tax rate for the next fiscal year.
- (a) 1284 (c) The Board of Finance shall hold working sessions and shall revise the proposed budgets as
(a) 1285 it deems desirable. The Board of Finance shall:
- (a) 1286 (1) Make such changes in any estimates or appropriations contained in the proposed
(a) 1287 budgets as it may deem proper;
- (a) 1288 (2) Add appropriations or estimated revenues not contained in the proposed budgets; and
- (a) 1289 (3) ~~Prepare~~ **Approve** a complete financial plan for the operations of the **Town** for the next
(a) 1290 fiscal year (the "Recommended Board of Finance Budget") which shall contain at least
(a) 1291 the following:
- (a) 1292 (i) A simple, clear, general summary of the contents, showing estimated revenues and
(a) 1293 total appropriations equal in amount;
- (a) 1294 (ii) The proposed expenditures in detail including provisions for any adjustments to the
(a) 1295 unassigned fund balance for the prior fiscal year, for debt service requirements, and
(a) 1296 for all other expenditures for the next fiscal year, including an appropriation for
(a) 1297 contingencies to be met from current revenues. All proposed expenditures should
(a) 1298 be classified in such manner as the Board of Finance deems desirable;
- (a) 1299 (iii) The estimated proposed revenues and the amount required from taxes, which shall
(a) 1300 be the amounts expected to be received during the next fiscal year; and
- (a) 1301 (iv) An itemized comparative statement by classification of all actual expenditures and
(a) 1302 receipts during the last completed fiscal year and the budget appropriations for the
(a) 1303 current fiscal year as revised to a recent specified date, together with estimated
(a) 1304 revenues for the current fiscal year.

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(d) The Board of Finance shall submit to the Legislative Council its **Recommended Board of Finance Budget** ~~Recommended Board of Finance Budget~~ for the next fiscal year by March 14th.

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

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(a) Upon receipt of the **Recommended Board of Finance Budget** ~~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 warned according to Subsection 1-25(b).

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(b) The Legislative Council shall have the following powers with respect to approval of any item in the proposed **Town Budget** ~~Town Budget~~:

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(a) 1320

(1) It shall have the power to reduce any item by a majority of at least six (6) affirmative votes;

(a) 1321
(a) 1322
(a) 1323

(2) It may increase any item or add items above those provided in the **Recommended Board of Finance Budget** ~~Recommended Board of Finance Budget~~ by an affirmative vote of at least eight (8); and

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(a) 1325
(a) 1326
(a) 1327

(3) The Legislative Council may only add or increase items up to the amounts included in the proposed **Board of Selectmen** ~~Board of Selectmen~~ and the **Board of Education Budget** ~~Board of Education Budgets~~ inclusive of any amendments made in Subsection 6-20(f).

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(c) No later than the second Wednesday in April, the Legislative Council shall approve a proposed **Town Budget** ~~Town Budget~~ to be submitted for final adoption at the **Annual Town Budget Referendum** ~~Annual Town Budget Referendum~~ (the "Town Budget"). If the Legislative Council shall not have approved a proposed **Town Budget** ~~Town Budget~~ on or prior to said date, then the **Recommended Board of Finance Budget** ~~Recommended Board of Finance Budget~~ shall be submitted for adoption at the **Annual Town Budget Referendum** ~~Annual Town Budget Referendum~~.

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(d) If the Board of Finance shall fail to submit a **Recommended Board of Finance Budget** ~~Recommended Board of Finance Budget~~ to the Legislative Council by March 14th, then the proposed **Board of Selectmen** ~~Board of Selectmen~~ and **Board of Education Budget** ~~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 estimated revenues, after giving notice and publication, all as set forth in Subsection 6-20(a). The Legislative Council shall have, when considering and acting upon the proposed **Board of Selectmen** ~~Board of Selectmen~~ and **Board of Education Budget** ~~Board of Education Budgets~~, the same powers granted to the Board of Finance under the provisions of Subsection 6-15(c), and shall exercise said powers by a majority of at least six (6) affirmative votes.

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(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 Subsection 6-35(e), the Legislative Council shall use its best efforts to have

- (a) 1349 | the appropriation for the project added to the ballot for the **Annual Town Budget**
- (a) 1350 | **ReferendumAnnual Town Budget Referendum.**
- (a) 1351 | (f) Prior to the final approval of a proposed **Town BudgetTown Budget** by the Legislative
- (a) 1352 | Council, the Board of Selectmen and the Board of Education may amend the proposed
- (a) 1353 | budget(s).
- (a) 1354 | (1) Prior to the **Annual Town Budget ReferendumAnnual Town Budget Referendum,**
- (a) 1355 | amendments shall be submitted to the Board of Finance. If the amendments are
- (a) 1356 | approved by the Board of Finance, the Legislative Council shall vote on the amendments
- (a) 1357 | as if they were part of the **Recommended Board of Finance BudgetRecommended**
- (a) 1358 | **Board of Finance Budget.** Otherwise the amendments shall be voted on by the
- (a) 1359 | Legislative Council as reductions, increases or additions, as the case may be, under
- (a) 1360 | Subsections 6-20(b)(1), (2) and (3).
- (a) 1361 | (2) Prior to subsequent budget referenda, if any, amendments made by the Board of
- (a) 1362 | Selectman and/or the Board of Education to budget proposals shall not be exceeded by
- (a) 1363 | the Legislative Council.

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(a) 1364 | **6-25 Annual Town Budget Referendum**

- (a) 1365 | (a) The proposed **Town BudgetTown Budget** shall be submitted for adoption at a referendum
- (a) 1366 | to be held on the fourth Tuesday of April between the hours of 6:00 A.M. and 8:00 P.M. (the
- (a) 1367 | "Annual Town Budget Referendum"). Notice of the **Annual Town Budget**
- (a) 1368 | **ReferendumAnnual Town Budget Referendum** and any subsequent referenda, as may be
- (a) 1369 | needed, and the proposed **Town BudgetTown Budget** together with the mil rate estimated
- (a) 1370 | to be necessary to fund said budget, shall be filed by the Legislative Council with the Town
- (a) 1371 | Clerk and warned according to Subsection 1-25(b) at least five (5) days prior to the **Annual**
- (a) 1372 | **Town Budget ReferendumAnnual Town Budget Referendum.** At the **Annual Town**
- (a) 1373 | **Budget ReferendumAnnual Town Budget Referendum,** the proposed **Town**
- (a) 1374 | **BudgetTown Budget** shall be voted on as two appropriations; one for the Board of
- (a) 1375 | Selectmen, and one for the Board of Education. The two appropriations shall be approved
- (a) 1376 | individually by a majority vote. The questions on the **Annual Town Budget**
- (a) 1377 | **ReferendumAnnual Town Budget Referendum** ballot shall be as follows:
- (a) 1378 | Shall the sum of \$ ____ be appropriated for the Board of Selectmen for the fiscal year?
- (a) 1379 | Shall the sum of \$ ____ be appropriated for the Board of Education for the fiscal year?
- (a) 1380 |
- (a) 1381 | The **Annual Town Budget ReferendumAnnual Town Budget Referendum** ballots shall
- (a) 1382 | include two advisory questions as follows:
- (a) 1383 | If the proposed sum of \$ ____ for the Board of Selectmen is not approved, should the revised
- (a) 1384 | budget be higher?"
- (a) 1385 | Yes ____
- (a) 1386 | No ____
- (a) 1387 |
- (a) 1388 | If the proposed sum of \$ ____ for the Board of Education is not approved, should the revised
- (a) 1389 | budget be higher?"
- (a) 1390 | Yes ____

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(a) 1391 No _____
(a) 1392
(a) 1393 (b) In the event one appropriation fails and one is approved, the appropriation that is approved
(a) 1394 shall be considered adopted. In the event that a majority of those voting do not approve one
(a) 1395 or both appropriations of the proposed ~~Town Budget~~**Town Budget**, the Legislative Council
(a) 1396 shall amend only the non-approved appropriation or appropriations of the budget.

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(a) 1397 (1) The Legislative Council shall reconsider and amend the proposed ~~Town Budget~~**Town**
(a) 1398 **Budget** within seven (7) calendar days. When amending the ~~Board of Selectmen~~
(a) 1399 **Board of Selectmen Budget**, the Legislative Council shall confer with the First
(a) 1400 Selectman and members of the Board of Selectmen. When amending the ~~Board of~~
(a) 1401 **Education Budget**Board of Education Budget**, it shall confer with members of the
(a) 1402 Board of Education. The Legislative Council shall request additional financial
(a) 1403 recommendations from the Board of Finance.**

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(a) 1404 (2) The Legislative Council shall act on changes to a proposed ~~Town Budget~~**Town Budget**
(a) 1405 not approved, in whole or in part, at a budget referendum as follows:

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(a) 1406 (i) It shall have the power to reduce ~~or increase~~ any item by a majority of at least six
(a) 1407 (6) affirmative votes ~~or increase any item by a majority of at least eight (8)~~
(a) 1408 ~~affirmative votes~~;

(a) 1409 (ii) The Legislative Council may only add or increase items up to the amounts included
(a) 1410 in the proposed Board of Selectmen and the ~~Board of Education Budget~~**Board of**
(a) 1411 **Education Budgets**, inclusive of any amendments made in Subsection 6-20(f).

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(a) 1412 (3) The amended proposed ~~Town Budget~~**Town Budget** shall be filed with the Town Clerk
(a) 1413 and presented for adoption by vote at a referendum, pursuant to Subsection 6-20(a),
(a) 1414 not more than fourteen (14) days following the date the proposed ~~Town Budget~~**Town**
(a) 1415 **Budget** was filed with the Town Clerk. The ballot for each successive referendum shall
(a) 1416 include the applicable advisory question(s).

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(a) 1417 (c) When an appropriation of the proposed ~~Town Budget~~**Town Budget** is approved by
(a) 1418 referendum vote, the action is final and not subject to additional referenda. Similarly if one
(a) 1419 or both appropriations of the budget fail, Subsection 6-25(b) shall be repeated until both
(a) 1420 appropriations are approved by referendum vote.

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(a) 1421 (d) When a part or parts have been approved by majority vote, the Board of Selectmen and the
(a) 1422 Board of Education shall amend the proposed ~~Board of Selectmen~~**Board of Selectmen** or
(a) 1423 the proposed ~~Board of Education Budget~~**Board of Education Budget(s)** to reflect the
(a) 1424 voter approved appropriations, which amended budgets shall be available for public
(a) 1425 inspection.

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(a) 1426 (e) In the event a ~~Town Budget~~**Town Budget** has not been adopted by July 1st, the **Town** may
(a) 1427 levy, collect and expend any monies in the manner provided for in the **General Statutes**.

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(a) 1428 6-26 Local Questions on Ballot

(a) 1429 (a) The Legislative Council, with at least 6 affirmative votes, may place local questions on the
(a) 1430 ~~Annual Town Budget Referendum~~**Annual Town Budget Referendum** ballot.

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(a) 1431 6-30 Laying of Taxes

(a) 1432 (a) Following the adoption of the ~~Town Budget~~**Town Budget** for the next fiscal year, the
(a) 1433 Legislative Council shall meet and, with due provision for estimated and uncollectible taxes,

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- (a) 1444
- (a) 1445

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 Town Budget Referendum** or any subsequent referendum even though the budget adopted is the same as the budget recommended to the **Annual Town 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 the **General Statutes** and any amendments thereto. Real estate tax bills ~~of~~ shall be due and payable in 2 semi-annual installments, July 1 and January 1.

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FINAL REPORT

(a) 1446 **6-35 Special and Emergency Appropriations**

- (a) 1447 (a) "Special Appropriation" is any appropriation of additional funds made during a fiscal year
(a) 1448 that is supplemental to an adopted ~~Town Budget~~ **Town Budget** or capital project. An
(a) 1449 "Emergency Appropriation" is an appropriation required for an unforeseen or
(a) 1450 extraordinary event or threat to public health, safety, or welfare. The Board of Finance shall
(a) 1451 ~~have an opportunity to~~ make a recommendation regarding a proposed ~~Special~~
(a) 1452 ~~Appropriation~~ **Special Appropriation**, but such a recommendation is not required for an
(a) 1453 ~~Emergency Appropriation~~ **Emergency Appropriation**.
- (a) 1454 (b) A request for a ~~Special~~ **Special** or ~~Emergency Appropriation~~ **Emergency Appropriation**
(a) 1455 may be initiated by the First Selectman with the approval of the Board of Selectmen or by
(a) 1456 the Legislative Council. The request shall include an estimate of the funds required, the
(a) 1457 reasons therefore, and a proposed method of financing. Methods of financing include,
(a) 1458 without limitation, issuing notes or bonds of the ~~Town~~ **Town** or laying a special tax on the Grand
(a) 1459 List last completed. The Finance Director shall prepare a **Financial Impact Statement** for
(a) 1460 requests for ~~Special Appropriation~~ **Special Appropriations**.
- (a) 1461 (c) If the First Selectman initiates an ~~Emergency Appropriation~~ **Emergency Appropriation**
(a) 1462 request, the appropriation may be approved by a majority vote of the Legislative Council,
(a) 1463 ~~otherwise if initiated by the Legislative Council, the~~ ~~Emergency Appropriation~~ **Emergency**
(a) 1464 ~~Appropriation~~ **Appropriation** must be approved by the affirmative vote of ~~two-thirds~~ **eight** of the entire
(a) 1465 membership of the Legislative Council.
- (a) 1466 (d) The Legislative Council shall request from the Board of Finance a recommendation as to
(a) 1467 whether or not a ~~Special Appropriation~~ **Special Appropriation**, should be made. The
(a) 1468 Board of Finance shall provide such recommendation within 90 days of the request. The
(a) 1469 Legislative Council may grant up to an additional ~~90~~ **90** days upon request. After said number
(a) 1470 of days, the Council may act on the request without a recommendation from the Board of
(a) 1471 Finance.
- (a) 1472 (e) The Legislative Council shall have the power to make ~~Special~~ **Special** and ~~Emergency~~
(a) 1473 ~~Appropriation~~ **Emergency Appropriations**, in an amount not in excess of \$1,500,000 for
(a) 1474 any one purpose during a fiscal year. Said amount shall be cumulative during the fiscal year
(a) 1475 as to all appropriations related to said purpose. The total of Special and ~~Emergency~~
(a) 1476 ~~Appropriation~~ **Emergency Appropriations** made by the Legislative Council for all
(a) 1477 purposes during a fiscal year shall not exceed an amount equal to one mil on the most
(a) 1478 recently completed Grand List.
- (a) 1479 (f) The Legislative Council shall have the power to make ~~Special Appropriation~~ **Special**
(a) 1480 ~~Appropriation~~ **Appropriations** of any amount that are necessary to implement agreements reached
(a) 1481 through the process of collective bargaining.
- (a) 1482 (g) The Legislative Council shall recommend to a ~~Town~~ **Town** referendum all ~~Special~~ **Special** and
(a) 1483 ~~Emergency Appropriation~~ **Emergency Appropriations** that equal or exceed the
(a) 1484 Legislative Council's authority.
- (a) 1485 (h) The Board of Finance shall recommend to the Legislative Council a method of financing the
(a) 1486 ~~Special~~ **Special** or ~~Emergency Appropriation~~ **Emergency Appropriation** that shall be
(a) 1487 included by the Board of Selectmen in the warning of the referendum. In the case of an
(a) 1488 ~~Emergency Appropriation~~ **Emergency Appropriation** and the Board of Finance is unable
(a) 1489 to make such recommendation, the Finance Director ~~shall~~ **may** make said recommendation.

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- (a) 1490 | (i) If a ~~Special~~ **Special** or ~~Emergency Appropriation~~ **Emergency Appropriation** is voted for a
- (a) 1491 | purpose requiring the expenditure or encumbrance of funds during a fiscal year for which
- (a) 1492 | an annual budget has been adopted but the tax has not yet been laid in accordance with
- (a) 1493 | Subsection 6-30(a) of this Charter, it may be financed by being included in the mil rate for
- (a) 1494 | said fiscal year.

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(a) 1495 | **6-40 Grants or Other Financial Assistance**

- (a) 1496 | (a) Grants and other forms of financial assistance, whether from the State of Connecticut, the
- (a) 1497 | United States or any other source, shall be subject to review for their financial impact on the
- (a) 1498 | **Town**. The Finance Director or the **Town Department** requesting a grant or other form of
- (a) 1499 | financial assistance shall submit a **Financial Impact Statement** to the Board of Finance and
- (a) 1500 | the Legislative Council that evaluates the impact of the commitments and the conditions
- (a) 1501 | required of the **Town** by the grant or financial assistance on present and future **Town**
- (a) 1502 | ~~Budget~~ **Town Budgets**, Town Plans for Development and Capital Improvement Plans. The
- (a) 1503 | Impact statement shall be submitted and reviewed before any action is taken that commits
- (a) 1504 | the **Town** to accept said grant or financial assistance.

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(a) 1505 | **CHAPTER 7 FINANCIAL PROCESSES**

(a) 1506 | **7-05 General Financial Process**

- (a) 1507 | (a) The fiscal year of the **Town** shall begin on July 1st and end on June 30th.
- (a) 1508 | (b) The system of accounts used by the **Town Departments** shall be that prescribed by the
- (a) 1509 | **General Statutes** as supplemented by regulations adopted by the Board of Finance and
- (a) 1510 | approved by the Legislative Council and in accordance with generally accepted accounting
- (a) 1511 | principles. The accounting system shall include a separate account for each appropriation
- (a) 1512 | showing the amount of the appropriation, the amounts paid or transferred to it, the unpaid
- (a) 1513 | obligations against it and the unencumbered balance of the appropriation.
- (a) 1514 | (c) The Legislative Council, with recommendation from the Board of Finance, shall annually
- (a) 1515 | designate an independent, certified public accountant or firm to audit the books and
- (a) 1516 | accounts of the **Town** as required by the **General Statutes**. Said annual audit shall be
- (a) 1517 | accepted by the Legislative Council with the recommendation of the Board of Finance.
- (a) 1518 | (d) All **Town Departments** and officers shall report and remit all receipts to the Finance
- (a) 1519 | Director as often as he or she may deem desirable but not more often than daily.

(a) 1520 | **7-10 Bonding**

- (a) 1521 | (a) The Finance Director shall seek bids from at least 3 lending institutions for all borrowings
- (a) 1522 | and the net bid most favorable to the **Town** must be accepted unless the Finance Director
- (a) 1523 | believes that it is in the best interest of the **Town** to reject all such bids, in which case all
- (a) 1524 | such bids may be rejected. The Finance Director may negotiate refunding and restructuring
- (a) 1525 | of existing bonds when it is financially advantageous. The re-negotiation may be done
- (a) 1526 | without securing bids.
- (a) 1527 | (b) Every resolution for the issue of bonds shall provide for a tax levy for each year to meet all
- (a) 1528 | serial installments of principal and interest and such amounts shall be included in a tax levy
- (a) 1529 | for each year until said bond shall have been paid in full.

(a) 1530 | **7-15 Disbursements/Purchases**

- (a) 1531 | (a) The Board of Finance shall keep under review the budget of the **Town** and shall by
- (a) 1532 | regulation prescribe periodic reports of receipts and expenditures for which purpose said

- (a) 1533 | Board of Finance shall have access to the books and records of any ~~such as~~ **Town**
(a) 1534 | **Department** ~~department~~.
- (a) 1535 | (b) The regulations adopted by the Board of Finance and approved by the Legislative Council
(a) 1536 | shall also designate the forms and procedures for purchase orders to be drawn on the
(a) 1537 | Finance Director by the Board of Education and the Board of Selectmen.
- (a) 1538 | (c) Neither the Board of Selectmen nor the Board of Education shall draw any order upon the
(a) 1539 | **Town** unless the Finance Director confirms that there are appropriations within the
(a) 1540 | requesting **Town Department** ~~Department~~ to cover the request.
- (a) 1541 | (1) Before any **Town** funds are expended or encumbered or any contract is entered into, a
(a) 1542 | requisition or other form of expenditure authorization request shall be signed by the
(a) 1543 | department head or other authorized person which then shall be submitted to the
(a) 1544 | Finance Director for approval and issuance of a purchase order. Each order shall
(a) 1545 | designate the object for and the account upon which it is drawn.
- (a) 1546 | (2) The Board of Education may make transfers within its own budget and shall report
(a) 1547 | transfers within its budget in writing monthly to the Finance Director.
- (a) 1548 | (3) When funds appropriated to the office of the Finance Director are spent or encumbered,
(a) 1549 | purchase orders there for shall be signed by the First Selectman.
- (a) 1550 | (4) The Finance Director, or another member of the Purchasing Authority shall issue all
(a) 1551 | **Town** purchase orders. Further, the purchasing procedures adopted by the Board of
(a) 1552 | Finance and approved by the Legislative Council shall be followed.
- (a) 1553 | (d) The Finance Director, in conjunction with the First Selectman, shall be the Purchasing
(a) 1554 | Authority for the **Town**. All supplies and contracts for services needed by **Town**
(a) 1555 | **Departments** other than the Board of Education shall be procured through the Purchasing
(a) 1556 | Authority. Supplies and services needed by the Board of Education may be procured
(a) 1557 | through the Purchasing Authority when feasible.
- (a) 1558 | (e) No officer or **Town Department** shall expend or vote to incur any liability or expense by
(a) 1559 | contract or otherwise, or enter into any contract that would obligate the **Town** to expend in
(a) 1560 | excess of an approved departmental line item appropriation. For the purpose of this
(a) 1561 | Charter, a line item means any expenditure for the current fiscal year to which the Board of
(a) 1562 | Finance has assigned an appropriation account number. Any officer or member of a **Town**
(a) 1563 | **Department** who, without authority from this Charter or the **General Statutes**, expends or
(a) 1564 | causes to be expended any money of the **Town**, except in payment of final judgments
(a) 1565 | rendered against the **Town**, shall be liable in a civil action in the name of the **Town**, as
(a) 1566 | provided in the **General Statutes**.
- (a) 1567 | (f) All sums not in excess of \$50,000 which may become due and payable to the **Town** or any ~~of~~
(a) 1568 | ~~its departments~~ **Town Department** by virtue of any loss or damage suffered by persons or
(a) 1569 | property entrusted to the care, supervision or management of any such department shall be
(a) 1570 | deposited in a special account and segregated by the Finance Director. Thereafter, the
(a) 1571 | Finance Director shall use such sums so segregated to pay any bills incurred in the course of
(a) 1572 | repairing or replacing such loss or damage by the **Town Department** in question, but such
(a) 1573 | payments shall not exceed the lesser of the amount of money so deposited or the cost of
(a) 1574 | repair or replacement. Any such money which is not so expended within one year from the
(a) 1575 | date of its deposit shall cease to be segregated from the general fund of the **Town**, unless
(a) 1576 | the **Town Department** that has incurred the loss or damage, notifies the Finance Director
(a) 1577 | in writing before the expiration of said year that such repairs or replacements have been

(a) 1578

commenced or will be commenced within 90 days and will be completed on a date which

(a) 1579

will be specified in the aforesaid written notice, not to exceed 18 months.

FINAL REPORT

- (a) 1580 **7-20 Transfers**
- (a) 1581 (a) During the first 335 days of any fiscal year:
 - (a) 1582 (1) The First Selectman and Finance Director may transfer unexpended and unencumbered
 - (a) 1583 balances of any appropriations within a department to another appropriation for the
 - (a) 1584 same department, which shall not exceed the sum of \$50,000.00. All transfers within a
 - (a) 1585 department that exceed the sum of \$50,000.00 shall require the approval of the Board
 - (a) 1586 of Finance.
 - (a) 1587 (2) Upon the request of the Board of Selectman, the Board of Finance may transfer any
 - (a) 1588 unencumbered appropriation, balance or portion thereof from one department to
 - (a) 1589 another, which shall not exceed the sum of \$200,000.00. When transfers between
 - (a) 1590 departments are proposed which exceed \$200,000.00, the proposed transfers require a
 - (a) 1591 recommendation by the Board of Finance and the approval of the Legislative Council.
 - (a) 1592 The Legislative Council shall not consider such proposed transfers unless accompanied
 - (a) 1593 by a recommendation from the Board of Finance or unless the Board of Finance shall
 - (a) 1594 have failed to make such a recommendation within fifteen (15) days after notification
 - (a) 1595 by the First Selectman of the action taken by the Board of Selectmen.
 - (a) 1596 (3) All appropriations or transfers from a contingency account require a recommendation
 - (a) 1597 by the Board of Finance and the approval of the Legislative Council.
 - (a) 1598 (b) After the first 335 days, upon request of the Finance Director, the Board of Finance shall
 - (a) 1599 have the power to transfer, without limitation, the unexpended and unencumbered
 - (a) 1600 balances of any appropriation for one department to an appropriation for another
 - (a) 1601 department with the approval of the Legislative Council.
 - (a) 1602 (c) Nothing contained in Section ~~7-207-15(f)~~~~7-15(f)~~ of this Charter shall affect any
 - (a) 1603 appropriation contained in, or transfers within, the budget of the Board of Education.

- (a) 1604 **7-25 Financial Impact Statements**
- (a) 1605 (a) The Legislative Council in its regulations shall designate the form of the **Financial Impact**
- (a) 1606 **Statement**.
- (a) 1607 (b) No ~~Special Appropriation~~**Special Appropriation** shall be made, no purchase, grant nor
- (a) 1608 gift of real or tangible personal property shall be accepted by any **Town Department**,
- (a) 1609 including the Board of Education ~~as provided in Sections 6-35, 6-40, 7-058-05, and 7-058-~~
- (a) 1610 ~~20 sections,~~ until the Board of Finance and Legislative Council have received and have ~~had~~
- (a) 1611 ~~had sufficient time~~**thirty-five days** to give due consideration to a **Financial Impact**
- (a) 1612 **Statement**.
- (a) 1613 (c) Financial Impact Statements shall be prepared by the Finance Director as set forth in
- (a) 1614 Subsection 4-05(c)(7).

(a) 1615 **CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY**

- (a) 1616 **8-01—General Provisions**
- (a) 1617 (a) ~~The Town shall have all the powers set forth in the General Statutes and in this Charter to~~
- (a) 1618 ~~acquire and dispose of real property.~~
- (a) 1619 (b) ~~Use of the words “real property” shall be construed to include any definition thereof from~~
- (a) 1620 ~~any source under Connecticut law and shall include, without limitation, any interest in real~~

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Comment [JC3]: Insert section references here. (Done)

property, except that where the interest in real property is a lease then Section 8-20 shall control.

8-05—Acquisition of Real Property

(a) ~~Prior to consideration of acquisition of real property by purchase or for the nonpayment of taxes, the Finance Director shall submit a Financial Impact Statement to the Board of Finance and the Legislative Council as provided in Section 7-25.~~

(b) ~~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) ~~Non-payment of taxes as provided for in the General Statutes, including without limitation by foreclosure, summary foreclosure or 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;~~

(3) ~~By purchase from the owner or by gift by the owner; and~~

(4) ~~By exercise of the Town's power of eminent domain.~~

(c) ~~In acquiring real property the following procedure shall be used:~~

(1) ~~If the property proposed to be acquired is for purposes for which a mandatory referral is required by Section 8-24 of the General Statutes, said referral shall be made before any action is taken by the Legislative Council.~~

(2) ~~The Legislative Council, subject to appropriations for the specific purpose 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. Exceptions include:~~

(i) ~~Real property acquired for non-payment of taxes;~~

(ii) ~~Real property required to be dedicated in connection with the subdivision of real property and~~

(iii) ~~Acquisition of real property for public highways and related purposes.~~

(3) ~~Following a decision by the Legislative Council to acquire real property, the Board of Selectmen shall authorize an officer, board or commission to act on behalf of the Town in such acquisition.~~

(d) ~~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 that 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, 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.~~

Approval by the commission is not subject to any right of appeal. 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) Real property acquired for non-payment of taxes shall be sold unless the Legislative Council by a majority of at least seven (7) affirmative votes to retain said property for potential use.

(b) If the Legislative Council so votes there shall be a waiting period of 180 days after the vote to permit the Legislative Council to make a final determination whether or not to retain said real property. The Legislative Council may vote at any time to terminate the waiting period.

(c) Before making a final determination to retain said real property for a specific town purpose the Legislative Council shall follow the same procedure set forth in Subsection 8-05(c) above as if it were an acquisition of real property rather than a retention.

(d) Upon a vote to terminate the waiting period, or upon the expiration of the waiting period without action by the Legislative Council to retain said real property, the First Selectman shall sell said property, taking all steps required by Section 8-15 of this Charter.

8-15— Procedure for the Sale of Real Property

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

(a) The First Selectman, with the approval of the Board of Selectmen, and the Legislative Council by a majority vote of its entire membership, may propose the sale, exchange or other disposition of town-owned real property. Before any other action is taken on the proposal, the Town shall have notice of the availability of said real property for sale warned according to Subsection 1-25(b); and 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 only part of a tract of contiguous land owned by the Town, the appraisal shall also include the impact on the value of the remaining property. The appraisal shall not be disclosed to any other person while negotiations are ongoing. The appraisal shall be open for public inspection if the proposal becomes the subject of a hearing or meeting open to the public.

(b) Should the Board of Selectman or the Legislative Council by a majority vote decide to continue the process after receiving the appraisal, the proposal shall be circulated for comment to all boards and commissions having an 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.

(c) All dispositions of real property shall require approval of the Legislative Council. Prior to said approval:

(1) The Legislative Council shall have received a written report from all the boards and commissions which received a referral or after 35 days have passed from the date the referral was requested and;

(2) The Planning and Zoning Commission shall hold a hearing on the proposal as required by Section 8-24 of the General Statutes;

- (a) 1707
(a) 1708
(a) 1709
(a) 1710
(a) 1711
(a) 1712
(a) 1713
- ~~(3) The Legislative Council shall hold a hearing on the proposal as required by Section 7-163e of the General Statutes. 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 noticed twice according to Subsection 1-25(b), 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 after the first publication and not less than 2 days prior to the hearing.~~
- (a) 1714
(a) 1715
(a) 1716
- ~~(d) Upon meeting said requirements of Subsection 8-15(c), the Legislative Council may vote to sell 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) 1717
(a) 1718
- ~~(1) The real property in question is excess land not needed for municipal purposes now or in the foreseeable future, or~~
- (a) 1719
(a) 1720
(a) 1721
- ~~(2) The sale 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~~
- (a) 1722
(a) 1723
(a) 1724
(a) 1725
(a) 1726
- ~~(3) In exceptional circumstance fully described in its action, the Legislative Council may recommend the sale or disposition of said property to the Board of Selectmen having considered factors other than obtaining the highest price, such as considering the buyer's binding commitment to use the property for a specific purpose deemed beneficial to the town.~~
- (a) 1727
(a) 1728
(a) 1729
- ~~If the Legislative Council votes to sell or otherwise dispose of said real property, the First Selectman is authorized to take all steps necessary to carry out the sale or other disposition in accordance with the procedure set forth herein.~~
- (a) 1730
(a) 1731
- ~~(e) Where the Legislative Council votes to sell or otherwise dispose of real property having an appraised value of \$1,500,000 or more said action shall require approval of a referendum.~~
- (a) 1732
(a) 1733
(a) 1734
- ~~(f) The First Selectman, with the approval of the Board of Selectmen, shall determine whether a sale by public auction or a private sale, with or without listing the property for sale with a real estate broker, is in the best interest of the Town.~~
- (a) 1735
(a) 1736
(a) 1737
(a) 1738
- ~~(g) If the decision is made to sell the real property at public auction such sale, including the terms thereof, shall be noticed twice according to Subsection 1-25(b), with the first such notice at least 30 days prior to the auction date and the last not more than 15 days prior to the auction date.~~
- (a) 1739
(a) 1740
(a) 1741
(a) 1742
(a) 1743
(a) 1744
(a) 1745
(a) 1746
(a) 1747
(a) 1748
- ~~(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 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.~~
- (a) 1749
(a) 1750
- ~~(2) All other terms under which the sale is conducted shall be determined by the First Selectman with the concurrence of the auctioneer.~~

- (a) 1751 ~~(h) If the decision is made to sell the real property by private sale, the price and terms of the~~
- (a) 1752 ~~contract of sale, subject to the terms of this subsection, shall be established by the First~~
- (a) 1753 ~~Selectman with the approval of the Board of Selectmen and confirmed by an affirmative~~
- (a) 1754 ~~vote of at least eight (8) members of the Legislative Council. In setting the price the First~~
- (a) 1755 ~~Selectman shall consider the appraisal required by Subsection 8-15(a). Any such contract of~~
- (a) 1756 ~~sale shall contain a provision to the effect that if the buyer fails to close on the date set for~~
- (a) 1757 ~~closing in the contract (or as extended by agreement between the Town and the buyer) the~~
- (a) 1758 ~~Legislative Council may declare the contract terminated if not closed by a date certain, not~~
- (a) 1759 ~~more than 14 days from the date of the vote, time being of the essence. If the buyer fails to~~
- (a) 1760 ~~close by said "time of the essence" date the buyer shall be in breach of the contract and any~~
- (a) 1761 ~~deposit paid shall be retained by the Town as liquidated damages.~~
- (a) 1762 ~~(i) The requirements of Subsections 8-15(a) through (h) inclusive shall not apply to private~~
- (a) 1763 ~~sales of town-owned land where a written appraisal by an appraiser certified or licensed by~~
- (a) 1764 ~~the State of Connecticut has been obtained and neither the value of the property being sold~~
- (a) 1765 ~~or transferred nor the benefit to the purchaser exceeds \$20,000.00.~~
- (a) 1766 ~~(j) If the transfer of town-owned real property provides consideration, in whole or in part, for~~
- (a) 1767 ~~the acquisition of other real property, said transfer is an in-kind payment, and the value~~
- (a) 1768 ~~thereof must be included for purposes of making an appropriation as if it were a cash~~
- (a) 1769 ~~payment.~~

(a) 1770 **8-20—Leasing of Real Property**

- (a) 1771 ~~(a) All leases shall be negotiated by the First Selectman, with the final, written version subject~~
- (a) 1772 ~~to approval by the Board of Selectmen. The proposed lease shall be executed by the First~~
- (a) 1773 ~~Selectman and the tenant or the landlord, as the case may be, conditioned on the actions set~~
- (a) 1774 ~~forth in Subsections 8-20(c) and (d) taking place.~~
- (a) 1775 ~~(b) Before negotiations are undertaken, the First Selectman shall obtain a written opinion by a~~
- (a) 1776 ~~licensed real estate appraiser of the fair market rent for the real property in question for the~~
- (a) 1777 ~~proposed term and a financial impact statement from the Finance Director. The opinion of~~
- (a) 1778 ~~fair market rent shall be confidential. Where the term of the proposed lease and all options~~
- (a) 1779 ~~to renew is for 5 years or less, it shall be optional with the First Selectman whether or not to~~
- (a) 1780 ~~obtain an opinion of fair market rent.~~
- (a) 1781 ~~(c) If the Board of Selectmen vote to approve the proposed lease, an outline of the lease~~
- (a) 1782 ~~including, without limitation, the rent and term, including all options, shall be circulated to~~
- (a) 1783 ~~the boards and commissions listed in section 8-15(b) for comment. Where the proposed~~
- (a) 1784 ~~lease is of town-owned real property, and following receipt of said comments or after 35~~
- (a) 1785 ~~days without receiving comments, a public hearing on said proposed lease shall be held by~~
- (a) 1786 ~~the Planning and Zoning Commission pursuant to Section 8-24 of the General Statutes, and~~
- (a) 1787 ~~by the Legislative Council pursuant to Section 7-163e of the General Statutes.~~
- (a) 1788 ~~(d) If the Planning and Zoning Commission approves the lease following the Section 8-24~~
- (a) 1789 ~~hearing and the term of the proposed lease, including all options to renew, is for 5 years or~~
- (a) 1790 ~~less, the Legislative Council may vote to reject the proposed lease if it acts within 20 days of~~
- (a) 1791 ~~the close of the later of the two public hearings; otherwise the proposed lease shall take~~
- (a) 1792 ~~effect as written. An affirmative vote of the Legislative Council to enter into the proposed~~
- (a) 1793 ~~lease is required if the term of the proposed lease, including all options to renew, is for~~
- (a) 1794 ~~more than 5 years unless the Planning and Zoning Commission votes to disapprove the~~
- (a) 1795 ~~lease following the Section 8-24 hearing. If disapproved by the Planning and Zoning~~

- (a) 1796 | ~~Commission, any such lease shall require the approval of two-thirds of the entire~~
- (a) 1797 | ~~membership of the Legislative Council.~~
- (a) 1798 | ~~(e) The power to enter into leases of space in the Edmond Town Hall is governed by Special Act~~
- (a) 1799 | ~~98 of the 1931 session of the Connecticut General Assembly.~~

(a) 1800 | **CHAPTER 9 ETHICS COMPLAINTS AND ADVISORY OPINIONS**

(a) 1801 | **9-05 Code of Ethics**

- (a) 1802 | (a) The Code of Ethics shall guard against improper influence or the appearance of improper
- (a) 1803 | influence to better ensure public trust in the government. To that end, the Code of Ethics
- (a) 1804 | shall set standards on the conduct of all **Town** officials and employees as necessary or
- (a) 1805 | appropriate ~~to prevent a conflict of interest or the appearance of a conflict.~~
- (a) 1806 | (b) The Code of Ethics is an ordinance which can be amended in accordance with the
- (a) 1807 | procedures for amending ordinances except that the Board of Ethics, without a petition,
- (a) 1808 | may propose amendments. In the event that an amendment is so proposed, the Legislative
- (a) 1809 | Council shall have no more than 60-120 days to approve, modify or reject said amendment.
- (a) 1810 | (c) The Board of Ethics shall be charged with the administration of the Code of Ethics. The
- (a) 1811 | Board shall adopt and may amend reasonable rules and regulations for the administration
- (a) 1812 | of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall
- (a) 1813 | hold a public hearing. Notice of the date, time and place of the public hearing, together with
- (a) 1814 | the text of the proposed amendment, shall be warned according to Subsection 1-25(b) not
- (a) 1815 | less than 10 days before the date of said hearing. All such rules and regulations, as currently
- (a) 1816 | amended, shall be made available at the office of the Town Clerk to any **Resident Elector** of
- (a) 1817 | the **Town**.
- (a) 1818 | (d) Whenever an officer, official, or employee of the **Town** is contemplating taking an action or
- (a) 1819 | participating in any proceeding and has any question concerning the conformity of that
- (a) 1820 | action or participation with the Code of Ethics, the officer, official or employee shall have
- (a) 1821 | the right to seek an advisory opinion of the Board. Such request must be submitted in
- (a) 1822 | writing and the resulting advisory opinion from the Board shall be in writing.

(a) 1823 | **9-10 Procedure for Complaints**

- (a) 1824 | (a) The Board of Ethics shall receive complaints of any violations of the Code of Ethics and shall,
- (a) 1825 | upon receipt of such complaints, investigate the same and may hold private investigations
- (a) 1826 | thereon if, in the opinion of the majority of the Board, said complaint warrants an
- (a) 1827 | investigation. Any complaint received by the Board must be in writing and signed by the
- (a) 1828 | individual making said complaint. Complaints made to the Board of Ethics shall not be made
- (a) 1829 | public unless and until the complaint is found to warrant a hearing. Upon receiving any
- (a) 1830 | complaint, the Board shall privately notify in writing the person against who said complaint
- (a) 1831 | has been filed, advising the concerned party of the specific nature of the complaint made
- (a) 1832 | and being investigated by the Board and the name of the complainant. Upon receipt of said
- (a) 1833 | notice from the Board, the party so notified that a complaint has been filed against him/her
- (a) 1834 | shall have the right to request a full hearing by the Board. In the event the Board decides
- (a) 1835 | that a hearing is required, or the person whose conduct is being called into question
- (a) 1836 | requests a hearing, said hearing shall afford the person whose conduct is called into
- (a) 1837 | question the right to cross-examine witnesses, to meet and answer the complaint, and to
- (a) 1838 | present evidence . No hearing may be conducted with fewer than 4 members of the Board in
- (a) 1839 | attendance.

- (a) 1840 (b) In the event the Board shall receive complaints against any officer, official or employee of
- (a) 1841 the **Town**, the investigation and disposition of which have been delegated to other boards
- (a) 1842 or commissions created by the Charter or under the **General Statutes**, then the Board shall
- (a) 1843 forward the complaint received to the appropriate board or commission. The board or
- (a) 1844 commission to which such complaints are forwarded shall thereafter notify the Board of the
- (a) 1845 disposition made of said complaint.
- (a) 1846 (c) The Board shall report to the Board of Selectmen its finding as to whether or not a violation
- (a) 1847 of the Code of Ethics has occurred, together with recommendation as to dispositions to be
- (a) 1848 made. The First Selectman with the approval of the Board of Selectmen shall thereupon take
- (a) 1849 such action as it may deem appropriate including, but not limited to, removal from office,
- (a) 1850 suspension or censure of the person(s) who is the subject of the complaint or dismissal of
- (a) 1851 the charges, except that elected officials may not be removed or suspended from office.
- (a) 1852 (d) All opinions, finding and recommendations of the Board, whether advisory or at the request
- (a) 1853 of a complainant, shall be kept on file in the office of the Town Clerk.
- (a) 1854 (e) The Legislative Council, by regulation, may prescribe procedures permitting the
- (a) 1855 reimbursement by the **Town** of any reasonable out-of-pocket expenses and attorney's fees
- (a) 1856 incurred in connection with an appearance before the Board of Ethics by an officer, official
- (a) 1857 or employee of the **Town**.

(a) 1858 **CHAPTER 10 TRANSITION AND MISCELLANEOUS**

(a) 1859 **10-01 Effective Date**

- (a) 1860 (a) As originally adopted this Charter was effective at 12:01 A.M. October 9, 1961.

(a) 1861 **10-02 Amendment of the Charter**

- (a) 1862 (a) This Charter may only be amended in the manner prescribed by the **General Statutes**.
- (a) 1863 (b) Within 5 years after submission of the [final](#) report of the most recent Charter Revision
- (a) 1864 Commission, the Legislative Council shall appoint a Charter Revision Commission to review
- (a) 1865 the Charter and any recommendations made by the Legislative Council.

(a) 1866 **10-03 Schedules of Superseded Acts**

- (a) 1867 (a) The following special acts shall have no force or effect after the effective date of this
- (a) 1868 Charter:

(a) 1869	Volume and Page of Special Acts	
(a) 1870	Board of Finance	Act of April 26, 1917 XVII 940
(a) 1871	Certain Action with respect to organization	
(a) 1872	Validated	Act of March 15, 1943 XXIV 15
(a) 1873	Amendment Authorized	Act of March 25, 1943 XXIV 45
(a) 1874	Amendment Authorized	Act of July 8, 1943 XXIV 359
(a) 1875	As amended	Act of May 22, 1957 XXVIII 413
(a) 1876	Biennial Town Elections	Act of April 21, 1943 XXIV 91
(a) 1877	Police and Fire Departments	Act of March 31, 1943 XXIV 57
(a) 1878	Small Claims Court	Act of April 21, 1943 XXIV 98

- (a) 1879 Regional School Districts Act of December 21, 1949 XXIV 13
- (a) 1880 Enactment of Ordinance Act of April 25, 1957 XXVIII 139

(a) 1881 **10-04 Savings Clause**

- (a) 1882 (a) If any section, subsection, sentence, phrase, clause or word of this Charter shall be held
- (a) 1883 invalid by a Court of competent jurisdiction, such holding shall not affect the remainder of
- (a) 1884 this Charter, except to the extent that some other word, clause, phrase, sentence, subsection
- (a) 1885 or section may be inseparably connected in meaning and effect with the section, subsection,
- (a) 1886 sentence, phrase, clause or word to which such holding shall directly apply.
- (a) 1887 (b) Any reference to the **General Statutes** means as said Statutes may be amended from time
- (a) 1888 to time.

FINAL REPORT