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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

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### 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 the Town Department~~ ~~Town 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 and any other body or group which is
  - (a) 202 designated a Town Body by the Legislative Council.
  - (a) 203 (7) **Town Department:** The term "Town Department" shall include, for example, the offices
  - (a) 204 of Tax Collector, Town Clerk, Assessor, Registrar of Voters, the Public Works
  - (a) 205 Department, the Board of Education or the Legislative Council, or and each any other
  - (a) 206 **Town Body** to which funds are appropriated in the ~~Town Budget~~**Town Budget**, or the
  - (a) 207 Public Works Department which shall be considered a separate department from the
  - (a) 208 remainder of the functions for which appropriations are expended by the Board of
  - (a) 209 Selectmen, and any other body or group which is designated a **Town Department** by
  - (a) 210 the Legislative Council on or before October 1st in the year prior to the adoption of the
  - (a) 211 ~~Town Budget~~**Town Budget**.
  - (a) 212 (8) **Town Election:** The term "Town Election" shall be used for elections held bi-annually
  - (a) 213 on the Tuesday after the first Monday of November in the odd-numbered years.
  - (a) 214 (9) Budget related definitions are contained in ~~6-01(a)~~5-15(a).
- (a) 215 (b) Public Notice: In any instance in which public notice is required the same shall be served by
- (a) 216 causing its publication in a newspaper having a substantial circulation in the **Town** unless a
- (a) 217 different method of notice is provided for in the **General Statutes**, as amended.

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(a) 218 **CHAPTER 2 MEMBERSHIP, RULES, AND DUTIES FOR NEWTOWN OFFICES**

(a) 219 **2-01 General Provisions**

- (a) 220 (a) All members and alternates of Town Bodies shall have the powers and duties conferred and  
(a) 221 imposed on them by the **General Statutes**, the provisions of this Charter, and the  
(a) 222 regulations or by-laws of and for the body on which they serve. Members and alternates of  
(a) 223 appointive **Town BodyTown Bodies** shall also be subject to the powers and duties  
(a) 224 prescribed by ordinance, if such ordinance exists.
- (a) 225 (b) The rules contained in the then current edition of Robert's Rules of Order Newly Revised  
(a) 226 shall govern in all cases to which they are applicable and in which they are not inconsistent  
(a) 227 with this Charter and any special rules of order that may be adopted.
- (a) 228 (c) All elected and appointive boards and commissions may make rules for the conduct of their  
(a) 229 meetings and the manner for accomplishing their duties. Such rules shall be filed with the  
(a) 230 Town Clerk.
- (a) 231 (d) The First Selectman shall be an ex officio member of all **Town BodyTown Bodies**, but  
(a) 232 without vote and not counted for the purpose of having a quorum except as a member of the  
(a) 233 Board of Selectmen. The First Selectman shall be given reasonable notice of all meetings of  
(a) 234 **Town BodyTown Bodies** by their Chairmen or Secretaries, and may in writing appoint  
(a) 235 another member of the Board of Selectmen to represent him or her at any meeting of such  
(a) 236 **Town Body**.
- (a) 237 (e) All elective and appointive officers, before they enter on their duties, shall take the oath or  
(a) 238 affirmation prescribed by Article XI, Section 1 of the Constitution of the State of Connecticut,  
(a) 239 as follows: "You do solemnly swear (or affirm, as the case may be) that you will support the  
(a) 240 Constitution of the United States and the Constitution of the State of Connecticut, as long as  
(a) 241 you continue to be a citizen thereof, and that you will faithfully discharge, according to law,  
(a) 242 the duties of the office of \_\_\_\_\_ to the best of your abilities. So help you God." No other  
(a) 243 oath or affirmation shall be required.

(a) 244 **2-05 Eligibility**

- (a) 245 (a) Unless otherwise specified, only **Resident Electors** of the **Town** shall be eligible for  
(a) 246 election to any **Town** office or appointment to any appointive board. Any person ceasing to  
(a) 247 be a **Resident Elector** of the **Town** shall thereupon cease to hold elective or appointive  
(a) 248 office in the **Town** and the office shall be deemed vacant.
- (a) 249 (b) No person shall hold more than one elective office of the **Town** at the same time.
- (a) 250 (c) Any **Resident Elector** of the **Town**, regardless of whether they have party affiliation, may  
(a) 251 run for public office. Specifics regarding procedures for securing a position on the election  
(a) 252 ballot are available by contacting the Elections Division of the Secretary of the State's Office,  
(a) 253 the Town Clerk's Office, or the Registrar of Voters' Office.
- (a) 254 (d) Specific rules regarding eligibility for certain offices or **Town BodyTown Bodies** are  
(a) 255 contained in the following subsections discussing such **Town BodyTown Bodies**:
- (a) 256 (1) First Selectman: The First Selectman shall have no other full time employment nor hold  
(a) 257 any paid civil office under the government of the United States, the State of Connecticut,  
(a) 258 or any subdivision thereof, except that of Notary Public and Justice of the Peace.
- (a) 259 (2) Board of Selectmen: No member of the Board of Selectmen, while in office, shall hold or  
(a) 260 be appointed to any other office or employment in the government of the **Town**.

- (a) 261 | (3) Legislative Council: No member of the Legislative Council shall hold or be appointed to
- (a) 262 | any other **Town** office or ~~Town~~ **Town Body**. Except as provided in Subsection
- (a) 263 | 2-30(b), members of the Legislative Council shall reside in the **Legislative Council**
- (a) 264 | **District** from which they were elected.
- (a) 265 | (4) Police Commission: No member of the Board of Police Commissioners shall be a
- (a) 266 | member or officer of the Newtown Police Department, the Chief of Police, or a member
- (a) 267 | of any other **Town Body**.
- (a) 268 | (5) Board of Fire Commissioners: Eligibility to serve on the Fire Commission is described in
- (a) 269 | Subsection 2-235(b).
- (a) 270 | (6) Building Appeals Board: Members shall be qualified by training and experience on
- (a) 271 | matters pertaining to building construction. Subsection 2-05(a) shall not apply.
- (a) 272 | (7) Public Building and Site Commission: Members shall include those who are qualified by
- (a) 273 | training and experience on matters pertaining to building design, construction or
- (a) 274 | contractual instruments.

(a) 275 | **2-10 Minority Representation**

- (a) 276 | (a) Except as specifically provided in this section, the maximum number of members of a
- (a) 277 | **Town Body**, whether elected or appointed, who are members of the same political party
- (a) 278 | shall be determined in accordance with the provisions of Section 9-167a of the **General**
- (a) 279 | **Statutes, as amended**. In addition, the maximum number of alternate members for any
- (a) 280 | given board or commission shall also conform to the provisions of 9-167a: To Wit:

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

- (a) 281 | (b) Exceptions are as follows:
- (a) 282 | (1) Legislative Council: The number of members of any one political party who may serve
- (a) 283 | on the Legislative Council shall not exceed 3 of the 4 members elected from each
- (a) 284 | **Legislative Council District**.
- (a) 285 | (2) Board of Education: The number of members of any one political party who may serve
- (a) 286 | on the Board of Education shall not exceed 4.
- (a) 287 | (3) Police Commission: The number of members of any one political party who may serve
- (a) 288 | on the Police Commission shall not exceed 3.
- (a) 289 | ~~(2)~~



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

**2-15 Terms and Term Limits**

- (a) 304 | (a) The term lengths and term limits, if any, for every elected official, elected or appointed
- (a) 305 | members of ~~Town Body~~**Town Bodies** are set forth in sections establishing said office or
- (a) 306 | **Town Body**.
- (a) 307 |
- (a) 308 | (b) The terms of office of all elected officials shall commence on the December 1st following
- (a) 309 | their election unless otherwise provided by a specific provision of this Charter or the
- (a) 310 | **General Statutes**. Each elected official shall hold office until a successor is elected and has
- (a) 311 | qualified.
- (a) 312 | (c) The terms of office of members of all appointive ~~Town Body~~**Town Bodies** shall commence
- (a) 313 | on January 7th except for the Trustees of the Cyrenius H. Booth Library whose terms shall
- (a) 314 | commence on July 1st, or as otherwise required by law.
- (a) 315 | (d) The terms of appointment to any appointive board, except the Building Appeals Board, shall
- (a) 316 | not exceed 4 years.
- (a) 317 | (e) The terms of members seated on appointive ~~Town Body~~**Town Bodies** shall be established
- (a) 318 | to expire, as nearly as possible, at regularly staggered annual intervals, unless otherwise
- (a) 319 | provided by this Charter or by the **General Statutes**.

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

- (a) 320 |
- (a) 321 | (a) The First Selectman shall be the Chairman and shall preside over meetings of the Board of
- (a) 322 | Selectmen. ~~The First Selectman shall not be an officer on any other Town Body.~~
- (a) 323 | (b) All other ~~Town Body~~**Town Bodies** shall elect from their number a Chairman during the
- (a) 324 | first meeting.
- (a) 325 | (c) The members of the Legislative Council shall also elect from their number a Vice Chairman
- (a) 326 | during the first meeting.
- (a) 327 | (d) The Board of Education may elect a Vice Chairman and shall elect a secretary from its
- (a) 328 | members.
- (a) 329 | (e) All other ~~Town Body~~**Town Bodies** may elect a Vice Chairman and a Secretary.
- (a) 330 | ~~(f) The First Selectman shall not hold office on the Legislative Council or any other Town Body.~~

(a) 331 **2-25 Voting**

- (a) 332 | (a) It shall be the duty of every member present at ~~any Legislative Council or other~~ **Town Body**  
(a) 333 meeting to vote affirmatively or negatively on each question raised. Should a member have  
(a) 334 a conflict of interest, said member shall refrain from discussion and voting. The reason for  
(a) 335 the conflict of interest need not be stated nor made part of the record.

(a) 336 **2-30 Vacancies on the Legislative Council, Town Boards, ~~and Commissions~~ and**  
(a) 337 **Authorities**

- (a) 338 (a) A vacancy shall be created in the event that any one of the following occur: the death of a  
(a) 339 member; the resignation submitted by a member and filed with the Town Clerk, who shall  
(a) 340 immediately notify the Chair of the affected **Town Body**; a member ceases to meet the  
(a) 341 eligibility requirements as described in Section 2-05; or, for appointive boards, a member is  
(a) 342 removed for cause. The vacancy shall take effect on the date of such event.
- (a) 343 (b) Should a member of the Legislative Council move from one **Legislative Council District** to  
(a) 344 another, such a move shall not constitute the creation of a vacancy provided that the  
(a) 345 member otherwise remains eligible for **Town** office. Should the member's seat become  
(a) 346 vacated subsequent to such move, the vacancy shall be filled by a member appointed from  
(a) 347 the district from which the member was originally elected.
- (a) 348 (c) If a person vacating an elective **Town Body** shall have been elected as a member of a  
(a) 349 political party, the vacancy shall be filled by a member of the same political party.
- (a) 350 (d) If a person vacating an appointive **Town Body** was appointed as a member of a political  
(a) 351 party, the vacancy shall be filled by a member of the same political party or by an  
(a) 352 unaffiliated **Resident Elector**. If the newly appointed member is an unaffiliated elector and  
(a) 353 must vacate his appointment, the person appointed to fill such a vacancy must be either an  
(a) 354 unaffiliated elector or a member of the same political party as the person initially  
(a) 355 appointed.

(a) 356 **2-31 Procedures for Filling Vacancies in Elected Town Bodies**

- (a) 357 (a) Legislative Council: A vacancy or vacancies on the Legislative Council shall be filled for the  
(a) 358 remainder of the term from among eligible **Resident Electors** in the **Legislative Council**  
(a) 359 **District** of the former member as follows:
- (a) 360 (1) Within 30 days of vacancy, by majority vote of the Legislative Council members of the  
(a) 361 same political party of the former member;
- (a) 362 (2) After 30 days, by majority vote of the remaining members of the Legislative Council  
(a) 363 regardless of party affiliation.
- (a) 364 (3) Should all seats on the Council be simultaneously vacant, then a special election shall be  
(a) 365 called to fill all seats.
- (a) 366 (b) Board of Selectmen: A vacancy or vacancies on the Board of Selectmen shall be filled in the  
(a) 367 manner prescribed by Section 9-222 of the **General Statutes**.
- (a) 368 | (c) For all other elected ~~Town Body~~ **Town Bodies**, a vacancy or vacancies shall be filled as  
(a) 369 follows:
- (a) 370 | (1) Within 30 days of vacancy, by a majority vote of the ~~authorized~~ membership of the  
(a) 371 Board;

- (a) 372 (2) From 31 to 60 days of vacancy, by appointment of the First Selectman with the approval
- (a) 373 of the Board of Selectmen.
- (a) 374 | (3) Should the number of vacancies leave less than a majority of the **authorized**
- (a) 375 membership, the First Selectman with the approval of the Board of Selectmen, within 30
- (a) 376 days, shall fill all existing vacancies.

(a) 377 **2-32 Procedures for Filling Vacancies in Appointive Boards and Commissions**

- (a) 378 (a) Vacancies in offices originally appointed by the First Selectman shall be filled as follows:
- (a) 379 (1) Within 45 days by the First Selectman, with the approval of the Board of Selectmen, or
- (a) 380 (2) After 45 days by the remaining members of such board or commission subject to the
- (a) 381 provisions of Sections 2-05 and 2-10 of this Charter.
- (a) 382 (b) All vacancies in the Cyrenius H. Booth Library Board of Trustees other than those seats
- (a) 383 originally appointed by the First Selectman shall be filled in accordance with the by-laws of
- (a) 384 the Library Board of Trustees.
- (a) 385 (c) Vacancies in the Board of Fire Commissioners shall be filled in accordance with Subsection
- (a) 386 2-235(b) of this Charter.

(a) 387 **2-35 Use of Alternates**

- (a) 388 (a) In the absence of one or more regular members and alternate members exist; present
- (a) 389 regular members of the Commission shall designate alternate(s) to act in the absent
- (a) 390 members' place. Alternates shall be chosen in rotation so that they shall act as nearly equal
- (a) 391 a number of times as possible.

(a) 392 **2-40 Removal for Cause**

- (a) 393 (a) A member of an appointive board or the Building Inspector, Town Assessor or Tax Collector
- (a) 394 may be removed for cause by the First Selectman with the approval of the Board of
- (a) 395 Selectmen.
- (a) 396 (b) The First Selectman, with the approval of the Board of Selectmen, shall adopt a personnel
- (a) 397 policy establishing procedures, consistent with due process, for removal for cause.
- (a) 398 (c) Within 30 days from such removal, any person so removed may, in writing, request a
- (a) 399 hearing before the Legislative Council. Such hearing shall be held within 15 days from the
- (a) 400 date such request is made and such person may appear at the hearing with counsel. After
- (a) 401 such hearing, the decision of the Board of Selectmen may be reversed, modified or upheld
- (a) 402 by said Legislative Council, provided said Legislative Council acts no later than 30 days after
- (a) 403 the conclusion of such hearing.

(a) 404 **2-45 Compensation**

- (a) 405 (a) The Town Clerk shall receive a salary in lieu of all fees and other compensation. The Town
- (a) 406 Clerk's salary shall be set from time to time by the Legislative council.
- (a) 407 (b) The Registrars of Voters shall receive a salary as set from time to time by the Board of
- (a) 408 Selectmen.
- (a) 409 (c) The salary for the First Selectman's term shall be set by the Legislative Council during the
- (a) 410 budget making process of each odd numbered year. The salary may be fixed at different
- (a) 411 rates for each year of the term. The salary shall not be changed during the term of office.

- (a) 412 (d) The members of elected and appointed boards and commissions, except the First Selectman,
- (a) 413 shall serve without compensation. Necessary expenses incurred in the performance of their
- (a) 414 duties may be paid from an appropriation authorized for the purpose.

(a) 415 **2-50 Administrative Clerks**

- (a) 416 (a) All **Town Body**~~Town Bodies~~ shall have an administrative clerk. Such clerks, as authorized
- (a) 417 by this Charter, shall keep minutes of meetings, record all motions, votes and actions of
- (a) 418 their assigned **Town Body**, prepare the agenda and notices of all regular and special
- (a) 419 meetings or cancellation of said body at the direction of its Chairman and perform such
- (a) 420 other duties as such Chairman, from time to time, shall direct.

(a) 421 **2-100 Elected Boards, Commissions, and Officers**

(a) 422 There shall be the following elected boards, commissions, and officers.

(a) 423 **2-105 Legislative Council**

- (a) 424 (a) Summary of General Responsibilities: All of the legislative powers of the **Town** conferred by
- (a) 425 the **General Statutes** on Legislative Bodies shall vest in the Legislative Council with the
- (a) 426 exception of those items specifically enumerated to other **Town Body**~~Town Bodies~~. The
- (a) 427 Council determines the annual **Town Budget**~~Town Budget~~~~Budget appropriations~~ and
- (a) 428 considers **Special**~~Special~~ and **Emergency Appropriation**~~Emergency Appropriations~~ as
- (a) 429 set forth in **Section 6-355-15(a)**. The Legislative Council shall have the power to enact,
- (a) 430 amend or repeal ordinances as set forth in CHAPTER 5.

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- (a) 431 (b) Membership and Terms:

- (a) 432 (1) The Legislative Council shall consist of 12 members, 4 of whom shall be elected from
- (a) 433 each of 3 **Legislative Council Districts**, established in accordance with Section 3-10 of
- (a) 434 this Charter.

- (a) 435 (2) The term of office shall be two years.

- (a) 436 (c) The Legislative Council, from time to time, may adopt rules of procedure to govern its
- (a) 437 functions not inconsistent with the requirements of this Charter, provided such rules are
- (a) 438 adopted by at least **eight (8)** affirmative votes.

- (a) 439 (d) Meetings – The Legislative Council shall adhere to the following:

- (a) 440 (1) The first meeting of the newly elected Legislative Council, chaired by the Town Clerk,
- (a) 441 shall be held within 6 days after the members take office.

- (a) 442 (2) Regular meetings shall be held twice a month, except when there is no business to
- (a) 443 conduct. The chairman shall notify the Town Clerk and the membership of the
- (a) 444 cancellation. The Chairman may call special meetings as deemed necessary.

- (a) 445 (3) Notice shall be given to all members of the Legislative Council of the time and place at
- (a) 446 which all regular and special meetings are to be held. Each notice shall include the
- (a) 447 meeting Agenda and shall be delivered at least 3 days before the meeting and filed with
- (a) 448 the Town Clerk and made available for public inspection.

- (a) 449 (4) The Legislative Council may hold an emergency meeting at the immediate call of the
- (a) 450 Chairman. The meeting shall be subject to ratification of the Chairman's decision that
- (a) 451 an emergency existed by at least **eight (8)** affirmative votes. The nature of the
- (a) 452 emergency shall be set forth fully in the minutes of the meeting.

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

**2-110 First Selectman**

- (a) 479 (a) Summary of General Responsibilities: The First Selectman shall be the Chief Executive and
- (a) 480 Administrative Officer of the **Town** and shall have the powers and duties of First Selectmen
- (a) 481 prescribed by this Charter and the **General Statutes**.
- (a) 482
- (a) 483 (b) The First Selectman shall be responsible to the Board of Selectmen for the administration of
- (a) 484 departments under the direct supervision of the Board and shall execute or cause to be
- (a) 485 executed regulations or resolutions voted by the Board of Selectmen and **Town** ordinances
- (a) 486 voted by the Legislative Council.
- (a) 487 (c) The First Selectman may declare, by resolution, a state of emergency, should he or she find
- (a) 488 that a state of emergency exists within the **Town**, requiring immediate action to protect the
- (a) 489 health, safety or general welfare of the citizens. The resolution shall include the exact nature
- (a) 490 of the emergency and be simultaneously published by the most effective means available.
- (a) 491 The declaration shall be effective for a period of time not to exceed 5 calendar days. The
- (a) 492 emergency declaration may be extended by an affirmation by the Legislative Council that a
- (a) 493 state of emergency still exists. Any proposed actions necessary to deal with such emergency
- (a) 494 proposed during an extension shall be approved by the Legislative Council. The First
- (a) 495 Selectman shall take such actions as are in the best interest of the **Town**.
- (a) 496 (d) At the first meeting following the **Town Election**, the Board of Selectmen shall choose a
- (a) 497 member of the Board who shall serve as Acting First Selectman during the absence,

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- (a) 498 incapacity or disability of the First Selectman. Such person shall perform all duties during
- (a) 499 such time as the Board may designate by resolution or regulation.
- (a) 500 **2-115 Board of Selectmen**
- (a) 501 (a) Summary of General Responsibilities: The Board of Selectmen shall supervise the
- (a) 502 administration of the affairs of the **Town**, except those matters which by the **General**
- (a) 503 **Statutes** or this Charter are exclusively committed to the Board of Education or other **Town**
- (a) 504 **BodyTown Bodies**. The Board of Selectmen shall also be responsible for coordinating the
- (a) 505 activities of all the departments of the **Town** and for reviewing the present and future needs
- (a) 506 of the **Town**.
- (a) 507 (b) Membership and Terms:
- (a) 508 (1) The Board of Selectmen shall consist of the First Selectman and two Selectmen.
- (a) 509 (2) The term of office shall be two years.
- (a) 510 (c) The Board of Selectmen may exercise any of the powers conferred on towns by the **General**
- (a) 511 **Statutes** to the extent that the Legislative Council has not already acted by ordinance or
- (a) 512 resolution on such subjects and to the extent that such powers have not otherwise been
- (a) 513 granted or limited by this Charter to other **Town BodyTown Bodies** or officers.
- (a) 514 (d) Except for the powers granted to the Board of Education by the **General Statutes**, the
- (a) 515 Board of Selectmen shall have sole power, subject to the provisions of this Charter and the
- (a) 516 **General Statutes** to:
- (a) 517 (1) Incur indebtedness in the name of the **Town** and to provide for the due execution of
- (a) 518 evidences of indebtedness issued by the **Town**, subject to the provisions of Section 7-10
- (a) 519 of this Charter,
- (a) 520 (2) Provide for the due execution of contracts for the **Town**, subject to the provisions of
- (a) 521 Subsection 7-15(e) of this Charter,
- (a) 522 (3) Institute, prosecute or compromise any legal action or proceeding by or against the
- (a) 523 **Town**, subject to the approval of the Legislative Council and, when relevant, the affected
- (a) 524 department or **Town Body**,
- (a) 525 (4) Defend the **Town** by legal action or proceeding,
- (a) 526 (5) Apply for any financial assistance by the State of Connecticut and the United States
- (a) 527 Government including grants to fund any appropriation, subject to the provisions of
- (a) 528 Section 6-40 of this Charter,
- (a) 529 (6) Take, purchase, lease, sell, or convey tangible personal property of or for the **Town**. Real
- (a) 530 property, acquisition and disposition, is addressed in CHAPTER 8~~Chapter 8~~,
- (a) 531 (7) Accept public highways, to approve the layout of public highways and related drainage,
- (a) 532 slope or other easements, to approve the acquisition of real property or interests in real
- (a) 533 property for the purpose of widening or realignment of existing public highways and to
- (a) 534 grant utility easements across town-owned property for the good of the **Town**,
- (a) 535 (8) Discontinue any town-owned public highway,
- (a) 536 (9) Require such reports from any Town Body ~~Town Department~~ as may be useful in the
- (a) 537 performance of its duties,
- (a) 538 (10) Submit annually to the Board of Finance a proposed budget for the next fiscal year
- (a) 539 subject to the provisions of Section 6-05 of this Charter.

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



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

(a) 552 **2-120 Board of Education**

- (a) 553 (a) Summary of General Responsibilities: The Board of Education shall provide and maintain
- (a) 554 ~~quality-good~~ public elementary and secondary schools and shall provide such educational
- (a) 555 activities as in its judgment will best serve the interests of the **Town**. The Board of
- (a) 556 Education shall perform all acts required of them by this Charter or as necessary to carry
- (a) 557 into effect the powers and duties imposed upon them by law.
- (a) 558 (b) Membership and Terms:
- (a) 559 (1) The Board of Education shall consist of 7 members.
- (a) 560 (2) The term of office shall be 4 years.

(a) 561 **2-125 Board of Finance**

- (a) 562 (a) Summary of General Responsibilities: The Board of Finance recommends a budget proposal
- (a) 563 and submits it to the Legislative Council for final action as set forth in Section 6-15. In
- (a) 564 addition, the Board advises the Board of Selectmen and Board of Education during the
- (a) 565 budget process and all **Town BodyTown Bodies** on preferred financial practices and
- (a) 566 obligations. The Board of Finance also reviews and assesses financial operations including
- (a) 567 transfers, regular and ~~Special AppropriationSpecial Appropriations~~.
- (a) 568 (b) Membership and Terms:
- (a) 569 (1) The Board of Finance shall consist of six members.
- (a) 570 (2) The term of office shall be ~~evenly split among two -and four year -seats following the~~
- (a) 571 ~~2017 election as provided in Subsection 3-15(c). Thereafter, the term of office for each~~
- (a) 572 ~~seat shall be four years.~~

(a) 573 **2-130 Planning and Zoning Commission**

- (a) 574 (a) Summary of General Responsibilities: The Planning and Zoning Commission is responsible
- (a) 575 to promote the orderly and coordinated development of the **Town**. The Commission
- (a) 576 controls and directs the use and development of property in the **Town**. The Planning and
- (a) 577 Zoning Commission, subject to the provisions of this Charter, shall have all of the powers
- (a) 578 and duties conferred and imposed by the **General Statutes** upon both Planning and Zoning
- (a) 579 Commissions. It acts as the Planning Commission for the Borough of Newtown and shall, to
- (a) 580 the extent that it is so empowered by ordinance of the Borough of Newtown, act as Zoning
- (a) 581 Commission for the Borough of Newtown.

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- (a) 582 (b) Membership and Terms:
- (a) 583 (1) The Planning and Zoning Commission shall consist of 5 members and three alternates.
- (a) 584 (2) The term of office for members and alternates shall be four years and two years,
- (a) 585 respectively.

(a) 586 **2-135 Town Clerk**

- (a) 587 (a) Summary of General Responsibilities: The Town Clerk is responsible for administrative
- (a) 588 work for the **Town** including the maintenance and safe-keeping of a variety of official
- (a) 589 municipal documents; issuance of various licenses and permits; and the recording of
- (a) 590 various documents and vital statistics.
- (a) 591 (b) Membership and Terms:
- (a) 592 (1) There shall be one Town Clerk.
- (a) 593 (2) The term of office shall be four years.
- (a) 594 (c) The Town Clerk shall exercise the powers and perform the duties of a Town Clerk as
- (a) 595 provided by the **General Statutes** except as hereinafter provided and shall perform such
- (a) 596 other duties as required by this Charter.
- (a) 597 (1) The receipts to be paid to the Town Clerk shall be collected in accordance with the
- (a) 598 provisions of the **General Statutes** or this Charter or ordinances of this **Town** and shall
- (a) 599 be deposited with the Finance Director of the **Town**.
- (a) 600 (2) The Town Clerk shall also keep a record of receipts, which shall show the amounts
- (a) 601 thereof and for what received.

(a) 602 **2-140 Registrars**

- (a) 603 (a) Summary of General Responsibilities: The Registrars are responsible for voter registration
- (a) 604 and the administration of all elections. They also assist candidates, the public, and the
- (a) 605 parties in the preparation of specialized voter lists and individual requests for voter
- (a) 606 information.
- (a) 607 (b) Membership and Terms:
- (a) 608 (1) There shall be two Registrars of Voters for the **Town** at large, one from each political
- (a) 609 party.
- (a) 610 (2) The term of office shall be four years.

(a) 611 **2-145 Board of Assessment Appeals**

- (a) 612 (a) Summary of General Responsibilities: The Board of Assessment Appeals shall hear and
- (a) 613 decide appeals from property owners regarding the assessment of their property as and
- (a) 614 when provided by the **General Statutes**.
- (a) 615 (b) Membership and Terms:
- (a) 616 (1) The Board of Assessment Appeals shall consist of three members.
- (a) 617 (2) The term of office shall be four years.

(a) 618 **2-150 Board of Managers of Edmond Town Hall**

- (a) 619 (a) Summary of General Responsibilities: The Board of Managers of the Edmond Town Hall
- (a) 620 shall have the exclusive care and maintenance of Edmond Town Hall and all grounds and



- (a) 621 buildings appurtenant thereto- and shall have the status, powers and duties set forth in
- (a) 622 Special Act No. 98 of the 1931 session of the General Assembly as amended by Special Act
- (a) 623 No. 517 of the 1953 session of the General Assembly, which acts shall remain in full force
- (a) 624 and effect, except to the extent superseded or revised by this Charter.
- (a) 625
- (b) Membership and Terms:
  - (1) The Board of Managers of the Edmond Town Hall shall consist of six members.
  - (2) The term of office shall be six years.
- (a) 628 ~~(c) The Board shall have all powers and duties prescribed for said Board by Special Act No. 98~~
- (a) 629 ~~of the 1931 session by which it was created, as amended by Special Act No. 517 of the 1953~~
- (a) 630 ~~session.~~

(a) 631 **2-155 Zoning Board of Appeals**

- (a) 632 (a) Summary of General Responsibilities: The Zoning Board of Appeals has powers as provided
- (a) 633 in Section 8-6 of the **General Statutes**, including but not limited to granting variances of the
- (a) 634 Zoning Regulations and hearing appeals.
- (a) 635 (b) Membership and Terms:
  - (1) The Zoning Board of Appeals Board shall consist of five members and three alternates.
  - (2) The term of office for the members and the alternates shall be four years, and two years, respectively.

(a) 639 **2-160 Board of Police Commissioners**

- (a) 640 (a) Summary of General Responsibilities: The Board of Police Commissioners shall maintain a
- (a) 641 Police Department in the **Town** and shall appoint a Chief of Police. In addition, the Board of
- (a) 642 Police Commissioners serves as the traffic authority of the **Town**.
- (a) 643 (b) Membership and Terms:
  - (1) The Board of Police Commissioners shall consist of five members.
  - (2) The term of office shall be four years.
- (a) 646 (c) The Board of Police Commissioners shall, subject to budgetary limitations, have all of the
- (a) 647 powers now or hereafter granted to boards of police commissioners by the **General**
- (a) 648 **Statutes** of Connecticut, and, in addition to and not in limitation thereof, shall have the
- (a) 649 power to:
  - (1) Make all the regulations necessary to organize and maintain the Police Department including, without limitation, the establishment of ranks within said Department and the duties and responsibilities of each such rank.
  - (2) Appoint and promote members and officers of the Police Department in accordance with said regulations. Such members and officers shall continue to hold office during good behavior.
  - (3) Suspend and remove members and officers of the Police Department for cause in accordance with said regulations. A violation of the regulations adopted by the Board of Police Commissioners shall be sufficient cause for removal.
- (a) 659 (d) The Chief of the Police Department shall not be dismissed unless written notice of the
- (a) 660 specific grounds for such dismissal is given, as well as an opportunity to present a defense,
- (a) 661 personally and by counsel, at a public hearing before the Board of Police Commissioners.

- (a) 662 Such public hearing shall be commenced not less than 5 nor more than 10 days after such
- (a) 663 notice. Any person so dismissed may appeal in the manner described by Section 7-278 of
- (a) 664 the **General Statutes**.
- (a) 665 (e) The members and officers of the Police Department shall have the authority with respect to
- (a) 666 the service of criminal process and the enforcement of the criminal laws as vested by the
- (a) 667 **General Statutes** in officers and members of an organized police department or force.

(a) 668 **2-200 Appointive Authorities, Boards, Commissions and Officers**

(a) 669 **2-201 General Provisions**

- (a) 670 (a) Board and commission members and authority delegates shall be appointed by the First
- (a) 671 Selectman with the approval of the Board of Selectmen unless hereinafter specified. All
- (a) 672 appointments to fill unexpired terms shall be for the duration of said unexpired term only.
- (a) 673 (1) A First Selectman whose position as First Selectman will end as a result of not being re-
- (a) 674 elected the office shall not make appointments from the date of the **Town Election** to
- (a) 675 the end of his/her term. The period from the **Town Election** to the beginning of the
- (a) 676 next term shall not be counted in the 45 days referred to in Subsection **Error!**
- (a) 677 **Reference source not found.2-32(a).**
- (a) 678 (b) Appointive boards, other than those required by this of this Charter, may be created,
- (a) 679 abolished and consolidated; their powers and duties established, altered and repealed; and
- (a) 680 the number and terms of office of their members established and changed by ordinance.
- (a) 681 (c) Appointive boards required by this Charter or hereafter created by ordinance other than
- (a) 682 the Board of Fire Commissioners and the Board of Ethics may, in their discretion, appoint
- (a) 683 associate members, with voice but without vote, for terms no longer than the terms of
- (a) 684 members of the appointing board.

(a) 685 **2-205 Aging, Commission on**

- (a) 686 (a) Summary of General Responsibilities: There shall be a Commission on Aging to advocate for
- (a) 687 seniors and identify the needs of and coordinate services and programs that support the
- (a) 688 well-being of Newtown senior residents and act as their agent for other Federal, State or
- (a) 689 **Town** Boards, Commissions or agencies or local private groups to carry out programs for
- (a) 690 senior residents.
- (a) 691 (b) Membership and Terms:
- (a) 692 (1) The Commission shall consist of 9 regular members and 3 alternate members.
- (a) 693 (2) The term of office shall be three years for regular members and **two years** for alternate
- (a) 694 members.

**Comment [JC2]:** Yes, Ordinance related.

(a) 695 **2-210 Building Appeals Board**

- (a) 696 (a) Summary of General Responsibilities: The Board of Building Appeals shall hear appeals
- (a) 697 related to all building matters.
- (a) 698 (b) Membership and Terms:
- (a) 699 (1) The Commission shall be composed of five members.
- (a) 700 (2) The term of office shall be five years.
- (a) 701 ~~(3) No person shall be appointed to more than two consecutive full terms.~~

- (a) 702 (c) No member of said Board shall vote on any question concerning a matter in which he is
- (a) 703 engaged as a contractor, material dealer, architect or engineer, or in which he has a
- (a) 704 personal interest.

(a) 705 **2-215 Conservation Commission**

- (a) 706 (a) Summary of General Responsibilities: There shall be a Conservation Commission, as
- (a) 707 established by ordinance, for the development and conservation of natural resources within
- (a) 708 the territorial limits of the **Town**. The Commission shall advise on the appropriate use and
- (a) 709 management of the natural resources for the **Town**.
- (a) 710 (b) Membership and Terms:
- (a) 711 (1) The Commission shall consist of 7 members.
- (a) 712 (2) The term of office shall be four years.

(a) 713 **2-220 Cultural Arts Commission**

- (a) 714 (a) Summary of General Responsibilities: The Newtown Cultural Arts Commission shall exist to
- (a) 715 stimulate, facilitate, coordinate and cooperate with existing organizations for the
- (a) 716 development of the arts. It shall serve as an information center and focal point in the
- (a) 717 community for activities related to the arts.
- (a) 718 (b) Membership and Terms:
- (a) 719 (1) The Commission shall consist of nine members.
- (a) 720 (2) The term of office shall be three years.

(a) 721 **2-225 Economic Development Commission**

- (a) 722 (a) Summary of General Responsibilities: There shall be an Economic Development
- (a) 723 Commission which will seek to implement orderly and planned economic development
- (a) 724 while always keeping in mind the character of the **Town**.
- (a) 725 (b) Membership and Terms:
- (a) 726 (1) The Commission shall be composed of nine members
- (a) 727 (2) The term of office shall be three years.

(a) 728 ~~(3) No person shall be appointed to more than two consecutive full terms.~~

(a) 729 **2-230 Ethics, Board of**

- (a) 730 (a) Summary of General Responsibilities: Board of Ethics shall administer the Code of Ethics,
- (a) 731 receive and hear complaints of violations of The Code of Ethics and respond to requests
- (a) 732 from public officials seeking advice on the conformity of actions with the Code of Ethics as
- (a) 733 set forth in CHAPTER 9.
- (a) 734 (b) Membership and Terms:
- (a) 735 (1) The Board of Ethics shall be composed of six regular members and two alternate
- (a) 736 members.
- (a) 737 (2) The term of office shall be four years.
- (a) 738 (3) Members shall serve no more than two consecutive terms. In no event may any member
- (a) 739 serve said Board more than eight years in succession. Any member having served said

(a) 740 Board for eight years in succession shall be ineligible for reappointment for two years  
(a) 741 after last serving on said Board.

(a) 742 (4) Each member ~~shall~~ may serve until his/her successor has been appointed.

(a) 743 (c) A quorum shall consist of four members.

(a) 744 **2-235 Fire Commissioners, Board of**

(a) 745 (a) Summary of General Responsibilities: Board of Fire Commissioners shall operate, supervise  
(a) 746 and manage the Newtown Fire Department. The Newtown Fire Department consists of all  
(a) 747 the volunteer fire companies located within the **Town** and under the supervision and  
(a) 748 management of a Board of Fire Commissioners.

(a) 749 (b) Membership and Terms:

(a) 750 (1) There shall be a Fire Department consisting of all the volunteer fire companies located  
(a) 751 within the **Town**, under the operation, supervision and management of a Board of Fire  
(a) 752 Commissioners. Said Board shall be composed of 7 members unless increased in  
(a) 753 accordance with Subsection 2-235(b)(1)(iii). Members shall be chosen in the following  
(a) 754 manner:

(a) 755 (i) Each volunteer fire company, in accordance with its by-laws and regulations, shall  
(a) 756 appoint one member of said Board.

(a) 757 (ii) The full membership of The Board shall meet and appoint civilian commissioners as  
(a) 758 may be necessary to constitute the full membership. Appointed civilian members  
(a) 759 shall not be members of any **Town** fire company.

(a) 760 (iii) Each new volunteer fire company admitted to the Fire Department shall be entitled  
(a) 761 to appoint one additional new member of said Board and said Board shall also  
(a) 762 appoint one additional new civilian member in the manner prescribed in  
(a) 763 Subsections 2-235(b)(1)(i) and (ii).

(a) 764 (iv) Should a volunteer fire company fail to appoint a member of said Board, the  
(a) 765 commissioners shall within 30 days appoint a civilian member to fill the vacancy  
(a) 766 who shall not be a member of any fire company.

(a) 767 (2) The term of office shall be for three years.

(a) 768 (c) The Board of Fire Commissioners shall be responsible for the financial management of the  
(a) 769 Fire Department and for the supervision and care of **Town** apparatus and equipment used  
(a) 770 by the Fire Department. It may set specifications which shall be followed in the purchase of  
(a) 771 apparatus, equipment and supplies by the **Town** for the Fire Department.

(a) 772 (d) The organization, government, membership and management of the Fire Department shall  
(a) 773 be in accordance with the by-laws and regulations of the departments in effect on the  
(a) 774 effective date of this Charter. Such by-laws and regulations may be amended by the Board of  
(a) 775 Fire Commissioners. Amendments to the by-laws, however, shall become effective only on  
(a) 776 approval by a majority of the volunteer fire companies which are members of the Fire  
(a) 777 Department.

(a) 778 (e) The Board of Fire Commissioners shall appoint a fire marshal and may appoint deputy fire  
(a) 779 marshals and fire policemen, who shall have the powers and duties prescribed for their  
(a) 780 offices by the **General Statutes** or by ordinance.

- (a) 781 **2-240 Inland Wetlands Commission**
- (a) 782 (a) Summary of General Responsibilities: There shall be an Inland Wetlands Commission which  
(a) 783 shall act as the **Town's** Aquifer Protection Agency; establish, amend and administer the  
(a) 784 Inland Wetlands and Watercourses Regulations; and administer the Forest Practices  
(a) 785 Regulations of the **Town**.
- (a) 786 (b) Membership and Terms:
- (a) 787 (1) The Commission shall consist of seven members.
- (a) 788 (2) The term of office shall be four years.
- (a) 789 **2-245 Justices of the Peace**
- (a) 790 (a) Summary of General Responsibilities: The powers and responsibilities of the Justices of the  
(a) 791 Peace include but are not limited to general oath giving powers, taking of acknowledgments,  
(a) 792 joining persons in marriage, and taking depositions.
- (a) 793 (b) Membership and Terms:
- (a) 794 (1) There shall be 15 justices of the peace selected in accordance with and having the  
(a) 795 powers and duties prescribed by the **General Statutes**.
- (a) 796 (2) The term of office shall be 4 years.
- (a) 797 **2-250 Parks and Recreation Commission**
- (a) 798 (a) Summary of General Responsibilities: The Parks and Receptions Commission shall be  
(a) 799 charged with the care, management and supervision of all public parks and other areas set  
(a) 800 aside by the **Town** for recreational purposes or donated to the **Town** for such use. It shall  
(a) 801 undertake and develop such recreational program or programs as the needs of the **Town**  
(a) 802 require, provided there is an appropriation or private donations have been received for this  
(a) 803 purpose.
- (a) 804 (b) Membership and Terms:
- (a) 805 (1) The Parks and Recreation Commission shall consist of 7 members.
- (a) 806 (2) The term of office shall be two years.
- (a) 807 (c) The Parks and Recreation Commission is empowered to appoint ad hoc committees to assist  
(a) 808 with special projects.
- (a) 809 **2-255 Pension Commission**
- (a) 810 (a) Summary of General Responsibilities: There shall be a Pension Committee, as established by  
(a) 811 ordinance, which shall perform the duties set forth in the Other Post-Employment Benefits  
(a) 812 (OPEB) Trust Agreement, as amended from time to time, relating to the management of the  
(a) 813 assets held in the OPEB Trust. The Commission shall have other powers and duties  
(a) 814 consistent with the **General Statutes** and as prescribed by ordinance.
- (a) 815 (b) Membership and Terms:
- (a) 816 (1) The Committee shall be composed of seven members.
- (a) 817 (2) The term of office shall be two years.

(a) 818 **2-260 Public Building and Site Commission**

(a) 819 (a) Summary of General Responsibilities: The Public Building and Site Commission shall have  
(a) 820 control of supervision and construction of building projects including the improvement of  
(a) 821 lands, major new construction, alterations or extensions, furnishing or equipping of a  
(a) 822 building to be used for public purposes. [The Public Building and Site Commission may](#)  
(a) 823 [decline the supervision of a project when it determines that the public interest would be](#)  
(a) 824 [served by assigning supervision to one or more qualified entities.](#)

(a) 825 (b) Membership and Terms:

(a) 826 (1) The Commission shall be composed of seven members and two alternate members.

(a) 827 (2) The term of office shall be four years for both members and alternates.

(a) 828 (c) The Public Building and Site Commission is empowered to appoint ad hoc committees to  
(a) 829 assist with special projects.

(a) 830 **2-265 Public Safety Committee**

(a) 831 (a) Summary of General Responsibilities: The Public Safety Committee shall review  
(a) 832 correctional safety and security issues at Garner Correctional Facility which affect the  
(a) 833 **Town.**

(a) 834 (b) Membership and Terms:

(a) 835 (1) The Committee shall be composed of the warden or superintendent of the correctional  
(a) 836 facility. Other representatives shall be filled by the First Selectman in accordance with  
(a) 837 Subsection 2-201(a) of this Charter.

(a) 838 (2) Representatives appointed by the First Selectman serve at his or her pleasure.

(a) 839 **2-270 Self-Funded Health Insurance Fund Commission**

(a) 840 (a) Summary of General Responsibilities: The Self-Funded Health Insurance Fund Commission  
(a) 841 shall be the stewards of the Self-Funded Health Insurance Fund.

(a) 842 (b) Membership and Terms:

(a) 843 (1) The Commission shall be composed of three regular members and two alternate  
(a) 844 members.

(a) 845 (2) The term of office shall be three years.

(a) 846 ~~(3) No person shall be appointed to more than two consecutive full terms.~~

(a) 847 **2-275 Sustainable Energy Commission**

(a) 848 (a) Summary of General Responsibilities: The Sustainable Energy Commission shall identify,  
(a) 849 implement, and support renewable energy use, energy efficiency, and energy conservation  
(a) 850 programs in which the **Town's** residents, businesses, organizations, and **Town** agencies can  
(a) 851 participate and that may result in cost savings to the **Town** or school district.

(a) 852 (b) Membership and Terms:

(a) 853 (1) The Commission shall be composed of nine members.

(a) 854 (2) The term of office shall be ~~four~~[three](#) years.

(a) 855 **2-280 Trustees of the Cyrenius H. Booth Library, Board of**

(a) 856 (a) Summary of General Responsibilities: The Cyrenius H. Booth Library shall be operated by  
(a) 857 the Board of Trustees and the Trustees shall have the status, powers and duties set forth in  
(a) 858 Special Act No. 108 of the 1931 session of the General Assembly as amended by Special Act  
(a) 859 No. 110 of the 1959 session of the General Assembly, which acts shall remain in full force  
(a) 860 and effect, except to the extent superseded or revised by this Charter.

(a) 861 (b) Membership and Terms:

(a) 862 (1) The Board of Trustees shall consist of 16 members of which eight shall be appointed by  
(a) 863 the First Selectman with the approval of the Board of Selectmen. The remainder shall be  
(a) 864 elected by the vote of the remaining Trustees present and voting at a meeting warned  
(a) 865 for the purpose.

(a) 866 (2) The term of office shall be four years.

(a) 867 ~~(3) Trustees shall serve no more than two consecutive full terms. In no event may any~~  
(a) 868 ~~trustee serve more than eight years on the Board in succession. At such time, the~~  
(a) 869 ~~trustee's seat shall be deemed vacant. Any trustee having served for eight years in~~  
(a) 870 ~~succession on said Board shall be ineligible for reappointment for two years after last~~  
(a) 871 ~~serving on said Board.~~

(a) 872 **2-285 Water and Sewer Authority**

(a) 873 (a) Summary of General Responsibilities: The Water and Sewer Authority shall plan and direct  
(a) 874 the development, acquisition, financing, construction, operation and maintenance of such  
(a) 875 water supply, water distribution systems, and sewerage systems as may be required to  
(a) 876 properly serve the needs of the **Town**.

(a) 877 (b) Membership and Terms:

(a) 878 (1) The Authority shall be composed of seven members two of whom shall be made on the  
(a) 879 recommendation of the Board of Burgesses of the Borough of Newtown.

(a) 880 (2) The term of office shall be four years.

(a) 881 **2-300 Regional Authorities and Boards**

(a) 882 **2-305 Lake Lillinonah Authority**

(a) 883 (a) Summary of General Responsibilities: The **Town** shall participate in the Lake Lillinonah  
(a) 884 Authority to exercise all powers relating to improving water quality, the enforcement of  
(a) 885 boating laws on said lake, and such other powers as from time to time may be granted to the  
(a) 886 Authority by the legislative bodies of all member towns and [section 7-151a of the General](#)  
(a) 887 **Statutes**.

(a) 888 (b) Membership and Terms:

(a) 889 (1) Member Towns shall be the Town of Newtown and can be other towns having Lake  
(a) 890 Lillinonah within their territorial limits.

(a) 891 (2) The Authority shall be composed of three delegates from each member town.

(a) 892 (3) The term of office shall be three years.

(a) 893 **2-310 Lake Zoar Authority**

(a) 894 (a) Summary of General Responsibilities: The **Town** shall participate in the Lake Zoar Authority  
(a) 895 to exercise all powers relating to improving water quality, the enforcement of boating laws  
(a) 896 on said lake, and such other powers as from time to time may be granted to the Authority by  
(a) 897 the legislative bodies of all member towns and [section 7-151a of the General Statutes](#).

(a) 898 (b) Membership and Terms:

(a) 899 (1) Member Towns shall be the Town of Newtown and can be other towns having Lake Zoar  
(a) 900 within their territorial limits.

(a) 901 (2) The Authority shall be composed of three delegates from each member town.

(a) 902 (3) The term of office shall be three years.

(a) 903 **2-315 Newtown Health District Health Board**

(a) 904 (a) Summary of General Responsibilities: The Newtown Health District Health Board shall  
(a) 905 preserve and improve the status of public health by (1) upholding and enforcing the Public  
(a) 906 Health Code of the State of Connecticut and such ordinances and regulations as may be  
(a) 907 adopted by the District Board of Health and (2) working with other providers of health  
(a) 908 services in the district to better coordinate existing programs and to plan and implement  
(a) 909 new health programs.

(a) 910 (b) Membership and Terms:

(a) 911 (1) Each municipality and/or Borough which has voted to become part of the District shall,  
(a) 912 by its Board of Selectmen, appoint a representative(s), based on population, to serve on  
(a) 913 the District Board of Health and may appoint an alternate to serve in the absence of said  
(a) 914 representative(s).

(a) 915 (2) The term of office shall be three years.

(a) 916 **CHAPTER 3 ELECTIONS AND REFERENDA**

(a) 917 **3-05 Town Elections**

(a) 918 (a) The election of **Town** officials shall take place at the **Town Election** during such hours as  
(a) 919 are established by the **General Statutes**.

(a) 920 (b) Special elections may be held in accordance with the **General Statutes**.

(a) 921 **3-10 Legislative Council Districts**

(a) 922 (a) There shall be 3 districts from which Legislative Council members are elected.

(a) 923 (b) The districts as presently established shall continue until the assembly and senatorial  
(a) 924 districts of the State of Connecticut are revised in accordance with Article Third, Section 6 of  
(a) 925 the Constitution of Connecticut.

(a) 926 (1) Within 60 days of the completion of said revision, the Registrars of Voters shall prepare  
(a) 927 proposed **Legislative Council District** lines for 3 districts having as nearly equal  
(a) 928 population as is practicable.

(a) 929 (2) Within 6 months of the completion of each such assembly and senatorial redistricting,  
(a) 930 the Legislative Council shall adopt, by [at least seven \(7\)](#) affirmative votes, final  
(a) 931 **Legislative Council District** lines.



(a) 932 **3-15 Election of Boards and Commissions**

- (a) 933 (a) At each regular **Town Election**, there shall be elected:
  - (a) 934 (1) a Board of Selectmen consisting of the First Selectman and 2 Selectmen;
  - (a) 935 (2) a Legislative Council consisting of 4 members from each **Legislative Council District** as
  - (a) 936 established in Section 3-10;
  - (a) 937 ~~(2)~~(3) a Board of Finance consisting of six members;
  - (a) 938 ~~(3)~~(4) three alternate members of the Planning and Zoning Commission;
  - (a) 939 ~~(4)~~(5) three alternate members of the Zoning Board of Appeals; and
  - (a) 940 ~~(5)~~(6) two members of the Board of Managers of the Edmond Town Hall.
- (a) 941 (b) At each regular **Town Election** members of the Board of Education, the Planning and
- (a) 942 Zoning Commission, Board of Assessment Appeals, Zoning Board of Appeals, and the Police
- (a) 943 Commission shall be elected and the number to be elected shall be determined by the
- (a) 944 number of members whose terms expire on or before the December 1st after the election.
- (a) 945 (c) At the regular **Town Election** following the Presidential Election, the Town Clerk shall be
- (a) 946 elected.
- (a) 947 (d) At the Presidential election, there shall be elected Registrars of Voters.
- (a) 948 ~~(e) In the 2017 Town Election, three members of the Board of Finance having two year terms~~
- (a) 949 ~~and three members of the Board of Finance having four years shall be elected. In the 2019~~
- (a) 950 ~~Town Election, three members of the Board of Finance having four year terms shall be~~
- (a) 951 ~~elected. Thereafter, elections for the Board of Finance shall be as set forth in Subsection 3-~~
- (a) 952 ~~15(b).~~

(a) 953 **3-20 Elections for Vacated Seats**

- (a) 954 (a) All vacancies in elective office shall be filled at the next regular **Town Election** except
- (a) 955 where prohibited by the **General Statutes** or at a special election called as provided in
- (a) 956 Section 9-164 of the **General Statutes** by the Board of Selectman or by application of
- (a) 957 **Resident Electors**.
- (a) 958 (b) The person appointed pursuant to Section ~~Error! Reference source not found.2-31~~ to fill a
- (a) 959 vacancy in an elective office shall serve only until a successor is elected to fill the vacancy at
- (a) 960 a special election or at the next regular **Town Election** and has
- (a) 961 ~~(b)~~(c) qualified. A person elected to fill a vacancy and a person appointed to fill a vacancy,
- (a) 962 which is not to be filled at the next regular **Town Election** because such election is
- (a) 963 prohibited by the **General Statutes**, shall serve the remainder of the term.

(a) 964 **3-25 Referendum**

- (a) 965 (a) An ~~Annual Town Budget Referendum~~Annual Town Budget Referendum [see Section 6-
- (a) 966 20(f)(2)] shall be held on the fourth Tuesday of April for adoption of the Town
- (a) 967 ~~Budget~~Town Budget. If necessary, additional budget referenda shall be held as provided in
- (a) 968 Subsection 6-25(b). The Legislative Council may recommend a referendum to approve
- (a) 969 ~~Special Appropriation~~Special Appropriations or real property dispositions in excess of
- (a) 970 the Legislative Council's authority as established in Subsection 6-35(e).
- (a) 971 (b) There shall be a right of petition for a referendum from any of the following:

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- (a) 972 | (1) any ~~Special Appropriation~~**Special Appropriation** made by the Legislative Council  
(a) 973 | pursuant to Section ~~6-356-30(b)~~ of this Charter;
- (a) 974 | (2) any proposed ordinance rejected, enacted, modified and enacted or repealed by the  
(a) 975 | Legislative Council pursuant to Section 5-05 of this Charter; and
- (a) 976 | (3) any vote by the Legislative Council to acquire, reserve or dispose of real property or an  
(a) 977 | interest in real property taken in accordance with Subsections 8-05(c)(2) and 8-15(d)  
(a) 978 | of this Charter.
- (a) 979 | (c) The exclusive procedure to obtain a referendum authorized by Subsection 3-25(b) shall be  
(a) 980 | by petition signed by at least 5% of the **Resident Electors** listed in the last-completed  
(a) 981 | registry list and filed with the Town Clerk no later than the close of business on the seventh  
(a) 982 | day following the date on which the Legislative Council acted. The seven day period  
(a) 983 | commences on the day that notice of the action of the Legislative Council is filed with the  
(a) 984 | Town Clerk, unless the notice is filed after 12 noon in which case the period will commence  
(a) 985 | on the next business day.
- (a) 986 | (d) The form of any petition shall be submitted to the Town Clerk prior to being circulated and  
(a) 987 | shall include the following:
- (a) 988 | (1) The entire resolution acted upon by the Legislative Council that the petitioners desire to  
(a) 989 | have acted upon by referendum.
- (a) 990 | (2) A statement of the action the Legislative Council took with regard to such resolution.
- (a) 991 | (3) A statement that the undersigned petitioners are opposed to the action of the  
(a) 992 | Legislative Council and petition that the resolution be presented to the voters.
- (a) 993 | (4) A circulator's statement meeting the requirements of the **General Statutes** shall appear  
(a) 994 | on every sheet on which a petitioner's signature appears.
- (a) 995 | (5) The date on which the circulator began to circulate the petition shall be set forth in the  
(a) 996 | statement of the circulator.
- (a) 997 | (e) No signatures on any petition circulated prior to the taking of action by the Legislative  
(a) 998 | Council shall be counted in determining whether sufficient signatures have been received to  
(a) 999 | force a referendum.
- (a) 1000 | (f) Upon receipt of a timely filed petition for referendum the Town Clerk shall immediately  
(a) 1001 | determine the number constituting 5% of the last-completed registry list, verify whether or  
(a) 1002 | not said number of electors have signed such a petition and report said fact to the Board of  
(a) 1003 | Selectmen.
- (a) 1004 | (g) Upon notice from the Town Clerk that a petition bearing sufficient verified signatures has  
(a) 1005 | been received, the Board of Selectmen shall warn a referendum to be held not less than 7  
(a) 1006 | nor more than 14 days after the receipt of said petition by the Town Clerk, 5 or more days  
(a) 1007 | prior to the date of the referendum according to Subsection 1-25(b). In computing said 5  
(a) 1008 | days, the day of the referendum shall be excluded, but the day of publication, Saturdays,  
(a) 1009 | Sundays and legal holidays shall be included. Eligibility to vote at a referendum shall be  
(a) 1010 | determined by Section 7-6 of the **General Statutes**. The referendum shall be held between  
(a) 1011 | the hours of 6:00 A.M. and 8:00 P.M. on the date set by the Board of Selectmen.
- (a) 1012 | (h) The question to be voted upon by referendum shall be the same resolution as was acted  
(a) 1013 | upon by the Legislative Council, without amendment.

(a) 1014 **CHAPTER 4 ADMINISTRATIVE OFFICERS**

(a) 1015 **4-05 Finance Director**

- (a) 1016 (a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council  
(a) 1017 and with recommendation from the Board of Finance, shall appoint a Finance Director to an  
(a) 1018 indefinite term. The First Selectman, Board of Selectmen, Board of Finance, and Legislative  
(a) 1019 Council shall choose and consider all candidates for the position of Finance Director solely  
(a) 1020 on the basis of such candidate's professional qualifications, character, training, and  
(a) 1021 experience in the field of financial management.
- (a) 1022 (b) The Finance Director shall report to the First Selectman as provided in Subsection 2-110(b)  
(a) 1023 of this Charter.
- (a) 1024 (c) The Finance Director shall:
- (a) 1025 (1) Keep all books of account of the **Town** and shall establish and maintain a general cost  
(a) 1026 accounting system for all **Town Departments**, consistent with all State Laws and  
(a) 1027 subject to the regulations adopted by the Board of Finance and approved by the  
(a) 1028 Legislative Council;
- (a) 1029 (2) Have all of the powers and duties imposed by the **General Statutes** or by special act or  
(a) 1030 law on town treasurers, and shall be Treasurer of all funds held by the **Town**;
- (a) 1031 (3) Receive and have custody of all funds belonging to or under the control of the **Town** or  
(a) 1032 any **Town Department** or officer and shall make such deposits or investments as he or  
(a) 1033 she deems in the best interest of the **Town** within the limits imposed on such deposits  
(a) 1034 or investments by the **General Statutes**;
- (a) 1035 (4) Determine when to issue authorized notes or bonds consistently with the provisions of  
(a) 1036 Section 7-10;
- (a) 1037 (5) Approve or disapprove of requisitions or other requests for disbursements of **Town**  
(a) 1038 funds as provided for in Section 7-15; No disbursements of **Town** funds shall be made,  
(a) 1039 except as authorized by the Finance Director;
- (a) 1040 (6) Prepare and keep a detailed budget document during the different phases of the Annual  
(a) 1041 Budget Process as described in Section 6-10;
- (a) 1042 (7) Prepare **Financial Impact Statements** for ~~Special Appropriation~~**Special**  
(a) 1043 **Appropriations**, gifts or financial assistance, and property acquisition in accordance  
(a) 1044 with Sections ~~6-35, 6-30(b)~~, 6-40, 8-05, and 8-20;
- (a) 1045 (8) Maintain a 5 year capital improvement plan in accordance with the regulations [see  
(a) 1046 Subsection 5-10(b)] of the Legislative Council and shall submit an updated version of  
(a) 1047 such plan to the Board of Finance and Legislative Council no later than the fifteenth day  
(a) 1048 of January each year;
- (a) 1049 (9) Prepare a cost analysis of all labor contracts, pension plans and insurance plans prior to  
(a) 1050 the signing of any such contracts or plans; and
- (a) 1051 (10) Assist in all labor negotiations serving as a consultant to the labor negotiators  
(a) 1052 representing the **Town**.
- (a) 1053 (d) The Finance Director, with the approval of the First Selectman and Board of Selectmen and  
(a) 1054 within the limits of the available appropriations, may hire qualified employees and delegate

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- (a) 1055 specific functions of the aforesaid duties. However, he or she shall at all times remain fully  
(a) 1056 responsible for carrying out the duties and responsibilities imposed by this Charter.
- (a) 1057 (e) The First Selectman, with the approval of the Board of Selectmen and with the approval of  
(a) 1058 the Legislative Council after a hearing before the Council, may remove the Finance Director  
(a) 1059 from office, with or without cause.
- (a) 1060 **4-10 Tax Collector**
- (a) 1061 (a) The First Selectman, with the approval of the Board of Selectmen, shall nominate and  
(a) 1062 appoint a Tax Collector to a term of 4 years commencing the first day of February of 1990  
(a) 1063 and every February first every 4 years thereafter. The First Selectman and the Board of  
(a) 1064 Selectmen shall choose and consider all candidates for the position of Tax Collector solely  
(a) 1065 on the basis of such candidate's professional qualifications, character, training and  
(a) 1066 experience. The Tax Collector need not be a resident of the **Town**. The person appointed to  
(a) 1067 fill the vacancy shall serve the balance of the unexpired term ~~only~~. The Tax Collector shall  
(a) 1068 have the powers, duties and compensation set forth in the provisions of Subsection 4-10(b)  
(a) 1069 of this Charter.
- (a) 1070 (b) The Tax Collector shall exercise the powers and duties of a Tax Collector as provided by the  
(a) 1071 **General Statutes**, except as hereinafter provided, and shall perform such other duties as  
(a) 1072 required by this Charter. The receipts to be paid to the Tax Collector shall be collected in  
(a) 1073 accordance with the provisions of the **General Statutes** or this Charter or ordinances of this  
(a) 1074 **Town** and shall be deposited with the Finance Director of the **Town**. The Tax Collector shall  
(a) 1075 also keep a record of receipts, which shall show the name of each person from whom money  
(a) 1076 is received, the amounts thereof, and for what received. The expenses of the office will be  
(a) 1077 provided for in the usual budgetary manner.
- (a) 1078 (c) The Tax Collector shall receive a salary in lieu of all fees and other compensation.
- (a) 1079 **4-15 Town Assessor**
- (a) 1080 (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint an Assessor  
(a) 1081 to a term of 4 years who shall be chosen solely on the basis of professional qualifications,  
(a) 1082 character, training and experience. The Assessor need not be a resident of the **Town**.  
(a) 1083 Expiration of each 4 year term shall be computed from expiration of the initial term on  
(a) 1084 February 28, 1972. The person appointed to fill a vacancy shall serve the balance of the  
(a) 1085 unexpired term ~~only~~. The Assessor shall have the powers and duties prescribed for the  
(a) 1086 office by ordinance and the **General Statutes**.
- (a) 1087 (b) The duties and responsibilities of the office, the minimum qualifications for office and the  
(a) 1088 methods to be used in the selection of the Assessor, including methods and agencies of  
(a) 1089 administration of professional examinations, shall be prescribed by ordinance.
- (a) 1090 **4-20 Building Inspector**
- (a) 1091 (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint a Building  
(a) 1092 Inspector. The Building Inspector shall have the qualifications prescribed by the **General**  
(a) 1093 **Statutes** and shall have such other qualifications as may be prescribed by ordinance of the  
(a) 1094 Board of Selectmen. The Building Inspector shall have such powers and duties as may be  
(a) 1095 prescribed by ordinance and by the **General Statutes**.

- (a) 1096 **4-25 Town Attorney**
- (a) 1097 (a) The First Selectman, with the approval of the Board of Selectmen, may appoint one or more  
(a) 1098 | Town Attorneys to furnish such legal services to ~~the any Town Body and its departments~~ as  
(a) 1099 the First Selectman authorizes.
- (a) 1100 (b) The Legislative Council Chairman may appoint, with the approval of the affirmative vote of  
(a) 1101 | ~~at least eight (8)~~ members of the Legislative Council, an attorney to furnish legal services to  
(a) 1102 the Legislative Council.
- (a) 1103 **4-30 Emergency Management Director**
- (a) 1104 (a) The Emergency Management Director shall be appointed in accordance with the **General**  
(a) 1105 **Statutes**.
- (a) 1106 **4-35 Department of Public Works**
- (a) 1107 (a) There shall exist within the **Town** a Department of Public Works administered by such  
(a) 1108 employees having such supervisory and administrative functions as may be determined by  
(a) 1109 the First Selectman, with the approval of the Board of Selectmen. The Department of Public  
(a) 1110 Works shall perform such functions regarding the construction and maintenance of  
(a) 1111 highways and the construction and maintenance of town-owned buildings and grounds,  
(a) 1112 other than the Cyrenius H. Booth Library, the Edmond Town Hall and buildings the  
(a) 1113 operation and control of which is vested in the Board of Education, as are assigned to it by  
(a) 1114 the Board of Selectmen. Nothing herein shall be deemed to limit the First Selectman with  
(a) 1115 the approval of the Board of Selectmen from hiring independent contractors to perform  
(a) 1116 such maintenance and construction. The Department of Public Works shall perform such  
(a) 1117 maintenance on the Cyrenius H. Booth Library, the Edmond Town Hall and buildings subject  
(a) 1118 to the operation and control of the Board of Education as is requested by the Trustees of the  
(a) 1119 Cyrenius H. Booth Library, the Board of Managers of the Edmond Town Hall and the Board  
(a) 1120 of Education, provided funds have been appropriated or transferred to the account of the  
(a) 1121 Department of Public Works as are necessary to fulfill the requests of said Trustees and  
(a) 1122 Boards.
- (a) 1123 **4-40 Employees**
- (a) 1124 (a) The First Selectman may establish hours of work, set wages or salaries within the range set  
(a) 1125 by the Board of Selectmen, and hire, suspend or dismiss employees of the **Town**, except  
(a) 1126 employees of the Board of Education and employees whose employment and removal are  
(a) 1127 otherwise provided for by this Charter or by the **General Statutes**. The First Selectman  
(a) 1128 may, by written order, delegate this power to other departments of the **Town** with respect  
(a) 1129 to employees of such departments.
- (a) 1130 (b) Uniform procedures for the recruitment and removal of any class of employees which the  
(a) 1131 First Selectman may hire, suspend or dismiss, a general merit system and a pension plan for  
(a) 1132 employees of the **Town** may be established by ordinance.
- (a) 1133 (c) All appointed employees of the **Town** other than those who work for the Board of  
(a) 1134 Education shall report to the First Selectman for administrative purposes.
- (a) 1135 (d) Any employee, other than the Finance Director, who has been suspended or dismissed by  
(a) 1136 the First Selectman and for whom no grievance procedure is provided in a collective  
(a) 1137 bargaining agreement may within 15 days of his removal, request in writing a hearing  
(a) 1138 before the Board of Selectmen which hearing shall be held within 15 days from the date of  
(a) 1139 receipt of such request. The employee may appear at the hearing with counsel. The Board of

- (a) 1140 Selectmen shall, within 15 days after the conclusion of the hearing, act to affirm, modify or
- (a) 1141 reverse the action of the First Selectman.

(a) 1142 **4-45 Regular Constables**

- (a) 1143 (a) Not more than 7 constables shall be appointed by the First Selectman with the approval of
- (a) 1144 the Board of Selectmen for a term of 2 years with no more than a bare majority from any
- (a) 1145 one political party, and they shall have the powers and duties prescribed for constables by
- (a) 1146 this Charter and the **General Statutes**.

(a) 1147 **4-50 Other Officers and Departments**

- (a) 1148 (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint such other
- (a) 1149 officers, committees or commissions as are required by the **General Statutes**.
- (a) 1150 (b) The First Selectman, with the approval of the Board of Selectmen, may appoint such other
- (a) 1151 officers as are authorized by the **General Statutes** or by ordinance, subject to the provision
- (a) 1152 of necessary appropriations.
- (a) 1153 (c) The First Selectman with the approval of the Board of Selectmen may establish and
- (a) 1154 maintain, subject to the provision of necessary appropriations, other departments for the
- (a) 1155 administration of functions of the **Town**.

(a) 1156 **CHAPTER 5 LEGISLATIVE PROCESSES**

(a) 1157 **5-05 Ordinances**

- (a) 1158 (a) The Legislative Council, by majority vote consisting of at least ~~six (6)~~ affirmative votes, shall
- (a) 1159 have the power to make, alter and repeal ordinances not inconsistent with the Constitution
- (a) 1160 or **General Statutes** of the State of Connecticut or the provisions of this Charter, for the
- (a) 1161 execution of the powers now or hereinafter vested in the **Town** for the governance of the
- (a) 1162 **Town** and management of its affairs, the preservation of good order and for the peace,
- (a) 1163 health, welfare and safety of its inhabitants and the protection and security of their
- (a) 1164 property.
- (a) 1165 (b) Prior to action on an ordinance by the Legislative Council it shall conduct a public hearing at
- (a) 1166 which all persons interested shall be given a reasonable opportunity to be heard on the
- (a) 1167 proposed ordinance.
- (a) 1168 (c) Notice of the date, time and place of said hearing and the full text of any proposed ordinance
- (a) 1169 shall be published in a newspaper having a substantial circulation in the **Town** at least 10
- (a) 1170 days before the day on which such hearing is to be held.
- (a) 1171 (d) Action by the Legislative Council, either repealing, enacting, or modifying and enacting, or
- (a) 1172 refusing to enact a proposed ordinance shall be taken within 30 days of the hearing held
- (a) 1173 thereon.
- (a) 1174 (e) Following action by the Legislative Council, notice of said action shall be according to
- (a) 1175 Subsection 1-25(b) within 21 days of such Legislative Council action and filed with the
- (a) 1176 Town Clerk. If the ordinance was modified and enacted as modified, notice of such action
- (a) 1177 shall include publication of the full text of the ordinance as enacted.
- (a) 1178 (f) Any ordinance enacted shall not become effective sooner than 14 days after the date of
- (a) 1179 publication of such notice and, if no other date is given as the effective date of such
- (a) 1180 ordinance, shall become effective on the fifteenth day after publication. If a referendum is



- (a) 1181 called in accordance with the provisions of Subsection 3-25(c) of this Charter, the effective
- (a) 1182 date of such ordinance shall be suspended until the date of the day after the referendum.
- (a) 1183 (g) The **Town** may enact ordinances relative to any matter on which the **Town** is empowered
- (a) 1184 to act by law. If the Borough of Newtown has enacted an ordinance on the same subject, the
- (a) 1185 ordinance enacted by the **Town** shall apply only to the portions of the **Town** outside the
- (a) 1186 Borough.

(a) 1187 **5-10 Regulations**

- (a) 1188 (a) Where regulations of the Legislative Council are authorized by this Charter, they shall be
- (a) 1189 adopted, amended or repealed by majority vote of the Legislative Council, consisting of at
- (a) 1190 | least ~~six (6)~~ affirmative votes. Any proposed regulation, amendment or repeal shall be
- (a) 1191 | referred to the Board of Selectmen for comment or consultation prior to action. A similar
- (a) 1192 | reference shall be made to the Board of Education or other ~~Town BodyTown Department~~ if
- (a) 1193 its interests is affected. All regulations regarding financial matters shall be referred for
- (a) 1194 review and recommendation to or may originate from the Board of Finance prior to action.
- (a) 1195 Referrals can be acted on by the Legislative Council after 90 days. Such financial regulations
- (a) 1196 shall also be referred to the Board of Selectman and the Finance Director prior to action.
- (a) 1197 (b) The development of the regulation governing the five year Capital Improvement Plan and
- (a) 1198 any subsequent amendments to the regulation shall be the duty of the Legislative Council
- (a) 1199 with the recommendation of the Board of Finance.
- (a) 1200 (c) Following action by the Legislative Council, the full text of the regulation adopted or as
- (a) 1201 amended shall be filed with the Town Clerk within 10 days of such action. Regulations
- (a) 1202 enacted or amended shall become effective on the fifteenth day after such action.

(a) 1203 **5-15 Emergency Ordinances**

- (a) 1204 (a) Any provision of this Charter to the contrary notwithstanding, the Legislative Council may
- (a) 1205 | by the affirmative vote of ~~two-thirds of its entire authorized membership~~ **at least eight (8) of**
- (a) 1206 | **its members**, enact emergency ordinances without a public hearing and without publication
- (a) 1207 or other notice prior to enactment and without the right of the voters to petition for a
- (a) 1208 referendum. The reasons for such emergency shall be stated explicitly in the vote of the
- (a) 1209 Legislative Council enacting such ordinance and the preamble of the ordinance shall set
- (a) 1210 forth the existence and nature of the emergency and that the enactment of the ordinance is
- (a) 1211 necessary for the immediate protection of the peace, health, welfare or property of the
- (a) 1212 citizens of the **Town**. An emergency ordinance shall become effective immediately upon the
- (a) 1213 notice thereof according to Subsection 1-25(b) and upon filing of the same with the Town
- (a) 1214 Clerk. An emergency ordinance shall cease to be effective upon the expiration of a period of
- (a) 1215 60 days after its publication unless the ordinance shall be reenacted prior to the expiration
- (a) 1216 of said period in accordance with the requirements set forth in Section 5-05 of this Charter,
- (a) 1217 which action shall be subject to the right of referendum as set forth in Subsection 3-25(b) of
- (a) 1218 this Charter.

(a) 1219 **CHAPTER 6 BUDGET PROCESSES**

(a) 1220 **6-01 General Provisions**

(a) 1221 (a) The following terms shall have the meaning ascribed to them in the referenced section of  
(a) 1222 this Charter:

(a) 1223 (1) ~~Board of Education Budget~~**Board of Education Budget** - Subsection 6-05(a),

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(a) 1224 (2) ~~First Selectman's Budget~~**First Selectman's Budget** - Subsection 6-05(b),

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(a) 1225 (3) ~~Board of Selectmen Budget~~**Board of Selectmen Budget**~~Board of Selectmen's~~  
(a) 1226 **Budget** - Subsection 6-05(b),

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(a) 1227 (4) ~~Recommended Board of Finance Budget~~**Recommended Board of Finance Budget** -  
(a) 1228 Subsection 6-15(c)(3),

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(a) 1229 (5) ~~Town Budget~~**Town Budget** - Subsection 6-20(c),

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(a) 1230 (6) ~~Annual Town Budget Referendum~~**Annual Town Budget Referendum** - Subsection  
(a) 1231 6-25(a),

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(a) 1232 (7) ~~Special Appropriation~~**Special Appropriation** - Subsection 6-35(a),

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(a) 1233 (8) ~~Emergency Appropriation~~**Emergency Appropriation** - Subsection 6-35(a).

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(a) 1234 **6-02 The Budget Conference**

(a) 1235 ~~(a) Prior to November 1<sup>st</sup>, town officials responsible for the budget should meet at reasonably~~  
(a) 1236 ~~convenient times and confer. The conferees should discuss and review the status of the~~  
(a) 1237 ~~existing budget, existing programs, goals that are desirable to achieve, expenditures~~  
(a) 1238 ~~required to achieve such goals, the affordability of required expenditures and other subjects~~  
(a) 1239 ~~relevant to the budget. The conferees shall include the First Selectman, Superintendent of~~  
(a) 1240 ~~Schools, the Chair of the Legislative Council and all or selected members of the Board of~~  
(a) 1241 ~~Selectmen, Board of Education, Board of Finance and up to three additional members of the~~  
(a) 1242 ~~Legislative Council.~~

(a) 1243 **6-05 Preparation of the Board of Selectmen and Board of Education Budget**

(a) 1244 **Proposals**

(a) 1245 (a) Not later than February 14th, in such form and with such supporting data as the Board of  
(a) 1246 Finance shall require, the Board of Education shall submit to the Board of Finance an  
(a) 1247 itemized estimate of expenditures proposed for the provision and maintenance of **quality**  
(a) 1248 **good** public elementary and secondary schools and an itemized estimate of all revenue  
(a) 1249 other than **Town** appropriations to be received by the Board of Education for its use during  
(a) 1250 the next fiscal year (the "Board of Education Budget").

(a) 1251 (b) At such time and in such manner as the First Selectman may require, every **Town**  
(a) 1252 **Department** other than the Board of Education shall present to the First Selectman an  
(a) 1253 itemized estimate of the expenditures to be made by and revenues to be received by such  
(a) 1254 departments during the next fiscal year. After such revisions as the First Selectman may  
(a) 1255 make, the First Selectman shall submit a comprehensive estimate of expenditures (the "First  
(a) 1256 Selectman's Budget") to the Board of Selectmen by February 1st. The estimates shall be  
(a) 1257 accompanied by such other reports and information as the Board of Selectmen may require.  
(a) 1258 The Board of Selectmen shall then revise the estimates, as it deems desirable, and submit  
(a) 1259 the revisions to the Board of Finance in such form and with supporting data as the Board of  
(a) 1260 Finance shall require no later than February 14<sup>th</sup>. (the "Board of Selectmen Budget").



(a) 1261 **6-10 Role of the Finance Director**

- (a) 1262 (a) The Finance Director shall advise all **Town Department** participating in the budget process  
(a) 1263 at such times and manner as they may reasonably request.
- (a) 1264 (b) The Finance Director shall create and maintain a budget document throughout the budget  
(a) 1265 process described in Sections 6-05 through 6-20(f)(2). Said document shall be comprised of  
(a) 1266 the proposed ~~Board of Selectmen Budget~~**Board of Selectmen Budget** and a single line  
(a) 1267 item representing the proposed Board of Education appropriation. Estimated revenues,  
(a) 1268 including sources of such revenues, and an estimated tax levy shall be added by the Finance  
(a) 1269 Director to the budget document.
- (a) 1270 (c) The Finance Director shall be responsible for causing the publication of the proposed  
(a) 1271 budgets whenever publication is required by the provisions of this Charter.

(a) 1272 **6-15 Financial Review of the Proposed Budgets by the Board of Finance**

- (a) 1273 (a) The Board of Finance shall conduct a public hearing not later than the first Wednesday in  
(a) 1274 March on the proposed budgets and at said hearing or any adjournment thereof it shall hear  
(a) 1275 all persons eligible to vote as defined in section 7-6 of the General Statutes who may desire  
(a) 1276 to be heard relative to the proposed budgets.
- (a) 1277 (b) The proposed budgets shall be ~~warned-noticed~~ according to Subsection 1-25(b) not later  
(a) 1278 than five (5) days prior to said hearing. The publication shall include the proposed budgets  
(a) 1279 showing in parallel columns, for each item, the sum budgeted for the current fiscal year, the  
(a) 1280 sum expended for the prior fiscal year and the sum proposed for the next fiscal year and the  
(a) 1281 estimated tax rate for the next fiscal year.
- (a) 1282 (c) The Board of Finance shall hold working sessions and shall revise the proposed budgets as  
(a) 1283 it deems desirable. The Board of Finance shall:
- (a) 1284 (1) Make such changes in any estimates or appropriations contained in the proposed  
(a) 1285 budgets as it may deem proper;
- (a) 1286 (2) Add appropriations or estimated revenues not contained in the proposed budgets; and
- (a) 1287 (3) ~~Prepare Approve~~ a complete financial plan for the operations of the **Town** for the next  
(a) 1288 fiscal year (the "Recommended Board of Finance Budget") which shall contain at least  
(a) 1289 the following:
- (a) 1290 (i) A simple, clear, general summary of the contents, showing estimated revenues and  
(a) 1291 total appropriations equal in amount;
- (a) 1292 (ii) The proposed expenditures in detail including provisions for any adjustments to the  
(a) 1293 unassigned fund balance for the prior fiscal year, for debt service requirements, and  
(a) 1294 for all other expenditures for the next fiscal year, including an appropriation for  
(a) 1295 contingencies to be met from current revenues. All proposed expenditures should  
(a) 1296 be classified in such manner as the Board of Finance deems desirable;
- (a) 1297 (iii) The estimated proposed revenues and the amount required from taxes, which shall  
(a) 1298 be the amounts expected to be received during the next fiscal year; and
- (a) 1299 (iv) An itemized comparative statement by classification of all actual expenditures and  
(a) 1300 receipts during the last completed fiscal year and the budget appropriations for the  
(a) 1301 current fiscal year as revised to a recent specified date, together with estimated  
(a) 1302 revenues for the current fiscal year.

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(a) 1303 | (d) The Board of Finance shall submit to the Legislative Council its **Recommended Board of**  
(a) 1304 | **Finance Budget**~~Recommended Board of Finance Budget~~ for the next fiscal year by  
(a) 1305 | March 14<sup>th</sup>.

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(a) 1306 | **6-20 Preparation of the Proposed Town Budget by the Legislative Council**

(a) 1307 | (a) Upon receipt of the **Recommended Board of Finance Budget**~~Recommended Board of~~  
(a) 1308 | **Finance Budget**, the Legislative Council shall cause sufficient copies thereof to be made  
(a) 1309 | available for general distribution in the office of the Town Clerk and shall hold a public  
(a) 1310 | hearing thereon not later than the last Wednesday in March each year. At least five (5) days  
(a) 1311 | prior to said hearing, a notice of the public hearing together with a summary of the budget  
(a) 1312 | recommended by the Board of Finance showing proposed expenditures, anticipated  
(a) 1313 | revenues by major sources, and the amount of revenue to be raised, shall be ~~warned~~ **noticed**  
(a) 1314 | according to Subsection 1-25(b).

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(a) 1315 | (b) The Legislative Council shall have the following powers with respect to approval of any item  
(a) 1316 | in the proposed **Town Budget**~~Town Budget~~:

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(a) 1317 | (1) It shall have the power to reduce any item by a majority of at least six (6) affirmative  
(a) 1318 | votes;

(a) 1319 | (2) It may increase any item or add items above those provided in the **Recommended**  
(a) 1320 | **Board of Finance Budget**~~Recommended Board of Finance Budget~~ by an affirmative  
(a) 1321 | vote of at least eight (8); and

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(a) 1322 | (3) The Legislative Council may only add or increase items up to the amounts included in  
(a) 1323 | the proposed **Board of Selectmen**~~Board of Selectmen~~ and the **Board of Education**  
(a) 1324 | **Budget**~~Board of Education Budgets~~ inclusive of any amendments made in Subsection  
(a) 1325 | 6-20(f).

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(a) 1326 | (c) No later than the second Wednesday in April, the Legislative Council shall approve a  
(a) 1327 | proposed **Town Budget**~~Town Budget~~ to be submitted for final adoption at the **Annual**  
(a) 1328 | **Town Budget Referendum**~~Annual Town Budget Referendum~~ (the "Town Budget"). If  
(a) 1329 | the Legislative Council shall not have approved a proposed **Town Budget**~~Town Budget~~ on  
(a) 1330 | or prior to said date, then the **Recommended Board of Finance Budget**~~Recommended~~  
(a) 1331 | **Board of Finance Budget** shall be submitted for adoption at the **Annual Town Budget**  
(a) 1332 | **Referendum**~~Annual Town Budget Referendum~~.

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(a) 1333 | (d) If the Board of Finance shall fail to submit a **Recommended Board of Finance**  
(a) 1334 | **Budget**~~Recommended Board of Finance Budget~~ to the Legislative Council by March 14<sup>th</sup>,  
(a) 1335 | then the proposed **Board of Selectmen**~~Board of Selectmen~~ and **Board of Education**  
(a) 1336 | **Budget**~~Board of Education Budgets~~ shall be considered by the Legislative Council. The  
(a) 1337 | Legislative Council shall hold a public hearing on the budgets proposed by the Board of  
(a) 1338 | Selectmen and the Board of Education, together with estimated revenues, after giving notice  
(a) 1339 | and publication, all as set forth in Subsection 6-20(a). The Legislative Council shall have,  
(a) 1340 | when considering and acting upon the proposed **Board of Selectmen**~~Board of Selectmen~~  
(a) 1341 | and **Board of Education Budget**~~Board of Education Budgets~~, the same powers granted to  
(a) 1342 | the Board of Finance under the provisions of Subsection 6-15(c), and shall exercise said  
(a) 1343 | powers by a majority of at least six (6) affirmative votes.

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(a) 1344 | (e) If the Legislative Council approves a project in the Capital Improvement Plan for  
(a) 1345 | appropriation and funding for an amount that exceeds the Legislative Council's authority, as  
(a) 1346 | established in Subsection 6-35(e), the Legislative Council shall use its best efforts to have

(a) 1347  
(a) 1348  
(a) 1349  
(a) 1350  
(a) 1351

the appropriation for the project added to the ballot for the **Annual Town Budget Referendum**.

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(a) 1355  
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(a) 1357  
(a) 1358

- (f) Prior to the final approval of a proposed **Town Budget** by the Legislative Council, the Board of Selectmen and the Board of Education may amend the proposed budget(s).
  - (1) Prior to the **Annual Town Budget Referendum**, amendments shall be submitted to the Board of Finance. If the amendments are approved by the Board of Finance, the Legislative Council shall vote on the amendments as if they were part of the **Recommended Board of Finance Budget**. Otherwise the amendments shall be voted on by the Legislative Council as reductions, increases or additions, as the case may be, under Subsections 6-20(b)(1), (2) and (3).
  - (2) Prior to subsequent budget referenda, if any, amendments made by the Board of Selectman and/or the Board of Education to budget proposals shall not be exceeded by the Legislative Council.

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(a) 1362

**6-25 Annual Town Budget Referendum**

(a) 1363  
(a) 1364  
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(a) 1366  
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(a) 1368  
(a) 1369  
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(a) 1372  
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(a) 1374  
(a) 1375

(a) The proposed **Town Budget** shall be submitted for adoption at a referendum to be held on the fourth Tuesday of April between the hours of 6:00 A.M. and 8:00 P.M. (the "Annual Town Budget Referendum"). Notice of the **Annual Town Budget Referendum** and any subsequent referenda, as may be needed, and the proposed **Town Budget** together with the mil rate estimated to be necessary to fund said budget, shall be filed by the Legislative Council with the Town Clerk and **warned-noticed** according to Subsection 1-25(b) at least five (5) days prior to the **Annual Town Budget Referendum**. At the **Annual Town Budget Referendum**, the proposed **Town Budget** shall be voted on as two appropriations; one for the Board of Selectmen, and one for the Board of Education. The two appropriations shall be approved individually by a majority vote. The questions on the **Annual Town Budget Referendum** ballot shall be as follows:

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(a) 1376  
(a) 1377

- Shall the sum of \$ \_\_\_ be appropriated for the Board of Selectmen for the fiscal year?
- Shall the sum of \$ \_\_\_ be appropriated for the Board of Education for the fiscal year?

(a) 1378

(a) 1379  
(a) 1380

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

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(a) 1381  
(a) 1382

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

(a) 1383

Yes \_\_\_

(a) 1384

No \_\_\_

(a) 1385

(a) 1386  
(a) 1387

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

(a) 1388

Yes \_\_\_

(a) 1389 No \_\_\_\_\_  
(a) 1390  
(a) 1391 (b) In the event one appropriation fails and one is approved, the appropriation that is approved  
(a) 1392 shall be considered adopted. In the event that a majority of those voting do not approve one  
(a) 1393 or both appropriations of the proposed ~~Town Budget~~**Town Budget**, the Legislative Council  
(a) 1394 shall amend only the non-approved appropriation or appropriations of the budget.

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(a) 1395 (1) The Legislative Council shall reconsider and amend the proposed ~~Town Budget~~**Town**  
(a) 1396 **Budget** within seven (7) calendar days. When amending the ~~Board of Selectmen~~  
(a) 1397 **Board of Selectmen Budget**, the Legislative Council shall confer with the First  
(a) 1398 Selectman and members of the Board of Selectmen. When amending the ~~Board of~~  
(a) 1399 **Education Budget**Board of Education Budget**, it shall confer with members of the  
(a) 1400 Board of Education. The Legislative Council shall request additional financial  
(a) 1401 recommendations from the Board of Finance.**

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(a) 1402 (2) The Legislative Council shall act on changes to a proposed ~~Town Budget~~**Town Budget**  
(a) 1403 not approved, in whole or in part, at a budget referendum as follows:

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(a) 1404 (i) It shall have the power ~~by a majority of at least six (6) affirmative votes~~ to reduce  
(a) 1405 ~~any item or increase or increase~~ any item ~~up to the Recommended Board of Finance~~  
(a) 1406 ~~Budget by a majority of at least six (6) affirmative votes. To increase any item above~~  
(a) 1407 ~~the Recommended Board of Finance Budget shall require a majority of at least eight~~  
(a) 1408 ~~(8) 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~~**Board of Selectmen** and the ~~Board of~~  
(a) 1411 **Education Budget**Board of Education Budgets**, inclusive of any amendments  
(a) 1412 made in Subsection 6-20(f).**

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(a) 1413 (3) The amended proposed ~~Town Budget~~**Town Budget** shall be filed with the Town Clerk  
(a) 1414 and presented for adoption by vote at a referendum, pursuant to Subsection 6-20(a),  
(a) 1415 not more than fourteen (14) days following the date the proposed ~~Town Budget~~**Town**  
(a) 1416 **Budget** was filed with the Town Clerk. The ballot for each successive referendum shall  
(a) 1417 include the applicable advisory question(s).

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(a) 1418 (c) When an appropriation of the proposed ~~Town Budget~~**Town Budget** is approved by  
(a) 1419 referendum vote, the action is final and not subject to additional referenda. Similarly if one  
(a) 1420 or both appropriations of the budget fail, Subsection 6-25(b) shall be repeated until both  
(a) 1421 appropriations are approved by referendum vote.

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(a) 1422 (d) When a part or parts have been approved by majority vote, the Board of Selectmen and the  
(a) 1423 Board of Education shall amend the proposed ~~Board of Selectmen~~**Board of Selectmen** or  
(a) 1424 the proposed ~~Board of Education Budget~~**Board of Education Budget(s)** to reflect the  
(a) 1425 voter approved appropriations, which amended budgets shall be available for public  
(a) 1426 inspection.

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(a) 1427 (e) In the event a ~~Town Budget~~**Town Budget** has not been adopted by July 1<sup>st</sup>, the **Town** may  
(a) 1428 levy, collect and expend any monies in the manner provided for in the **General Statutes**.

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(a) 1429 **6-26 Local Questions on Ballot**

(a) 1430 (a) The Legislative Council, with ~~a majority vote of~~ at least ~~six (6)~~ affirmative votes, may place  
(a) 1431 local questions on the ~~Annual Town Budget Referendum~~**Annual Town Budget**  
(a) 1432 **Referendum** ballot.

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(a) 1433 **6-30 Laying of Taxes**

- (a) 1434 | (a) Following the adoption of the ~~Town Budget~~**Town Budget** for the next fiscal year, the
- (a) 1435 | Legislative Council shall meet and, with due provision for estimated and uncollectible taxes,
- (a) 1436 | abatements and corrections, shall lay such tax on the last completed Grand List at a mil rate
- (a) 1437 | that shall be sufficient, with the income from other sources, to meet the estimated expenses
- (a) 1438 | of the **Town** for the next fiscal year. The tax laid shall be based on facts known and
- (a) 1439 | estimates made at the time the Legislative Council acts and may be different from the mil
- (a) 1440 | rate estimated prior to the ~~Annual Town Budget Referendum~~**Annual Town Budget**
- (a) 1441 | ~~Referendum~~ or any subsequent referendum even though the budget adopted is the same as
- (a) 1442 | the budget recommended to the ~~Annual Town Budget Referendum~~**Annual Town Budget**
- (a) 1443 | ~~Referendum~~ or any subsequent referendum.
- (a) 1444 | (b) The Tax Collector shall collect the tax in accordance with the **General Statutes**. Taxes shall
- (a) 1445 | be delinquent and interest charged in accordance ~~with~~ **with** the **General Statutes** and any
- (a) 1446 | amendments thereto. Real estate tax bills ~~of~~ shall be due and payable in 2 semi-annual
- (a) 1447 | installments, July 1 and January 1.

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FINAL REPORT

(a) 1448 **6-35 Special and Emergency Appropriations**

- (a) 1449 (a) A "Special Appropriation" is any appropriation of additional funds made during a fiscal year  
(a) 1450 that is supplemental to an adopted ~~Town Budget~~ **Town Budget** or capital project. An  
(a) 1451 "Emergency Appropriation" is an appropriation required for an unforeseen or  
(a) 1452 extraordinary event or threat to public health, safety, or welfare. The Board of Finance shall  
(a) 1453 ~~have an opportunity to~~ make a recommendation regarding a proposed **Special**  
(a) 1454 **Appropriation** ~~Special Appropriation~~, but such a recommendation is not required for an  
(a) 1455 ~~Emergency Appropriation~~ **Emergency Appropriation**.
- (a) 1456 (b) A request for a **Special** ~~Special~~ or **Emergency Appropriation** ~~Emergency Appropriation~~  
(a) 1457 may be initiated by the First Selectman with the approval of the Board of Selectmen or by  
(a) 1458 the Legislative Council. The request shall include an estimate of the funds required, the  
(a) 1459 reasons therefore, and a proposed method of financing. Methods of financing include,  
(a) 1460 without limitation, issuing notes or bonds of the **Town** or laying a special tax on the Grand  
(a) 1461 List last completed. The Finance Director shall prepare a **Financial Impact Statement** for  
(a) 1462 requests for **Special Appropriation** ~~Special Appropriations~~.
- (a) 1463 (c) If the First Selectman initiates an **Emergency Appropriation** ~~Emergency Appropriation~~  
(a) 1464 request, the appropriation may be approved by a majority vote of the Legislative Council,  
(a) 1465 ~~otherwise if initiated by the Legislative Council, the~~ **Emergency Appropriation** ~~Emergency~~  
(a) 1466 **Appropriation** must be approved by the affirmative vote of ~~two-thirds~~ **eight (8)** ~~of the~~  
(a) 1467 ~~entire~~ **membership** of the Legislative Council.
- (a) 1468 (d) The Legislative Council shall request from the Board of Finance a recommendation as to  
(a) 1469 whether or not a **Special Appropriation** ~~Special Appropriation~~, should be made. The  
(a) 1470 Board of Finance shall provide such recommendation within 90 days of the request. The  
(a) 1471 Legislative Council may grant up to an additional ~~90~~ 90 days upon request. After said number  
(a) 1472 of days, the Council may act on the request without a recommendation from the Board of  
(a) 1473 Finance.
- (a) 1474 (e) The Legislative Council shall have the power to make **Special** ~~Special~~ and **Emergency**  
(a) 1475 **Appropriation** ~~Emergency Appropriations~~, in an amount not in excess of \$1,500,000 for  
(a) 1476 any one purpose during a fiscal year. Said amount shall be cumulative during the fiscal year  
(a) 1477 as to all appropriations related to said purpose. The total of Special and **Emergency**  
(a) 1478 **Appropriation** ~~Emergency Appropriations~~ made by the Legislative Council for all  
(a) 1479 purposes during a fiscal year shall not exceed an amount equal to one mil on the most  
(a) 1480 recently completed Grand List.
- (a) 1481 (f) The Legislative Council shall have the power to make **Special Appropriation** ~~Special~~  
(a) 1482 **Appropriation** ~~Appropriations~~ of any amount that are necessary to implement agreements reached  
(a) 1483 through the process of collective bargaining.
- (a) 1484 (g) The Legislative Council shall recommend to a **Town** referendum all **Special** ~~Special~~ and  
(a) 1485 **Emergency Appropriation** ~~Emergency Appropriations~~ that equal or exceed the  
(a) 1486 Legislative Council's authority.
- (a) 1487 (h) The Board of Finance shall recommend to the Legislative Council a method of financing the  
(a) 1488 **Special** ~~Special~~ or **Emergency Appropriation** ~~Emergency Appropriation~~ that shall be  
(a) 1489 included by the Board of Selectmen in the warning of the referendum. In the case of an  
(a) 1490 **Emergency Appropriation** ~~Emergency Appropriation~~ and the Board of Finance is unable  
(a) 1491 to make such recommendation, the Finance Director ~~shall~~ **may** make said recommendation.

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- (a) 1492 | (i) If a ~~Special~~ **Special** or ~~Emergency Appropriation~~ **Emergency Appropriation** is voted for a
- (a) 1493 | purpose requiring the expenditure or encumbrance of funds during a fiscal year for which
- (a) 1494 | an annual budget has been adopted but the tax has not yet been laid in accordance with
- (a) 1495 | Subsection 6-30(a) of this Charter, it may be financed by being included in the mil rate for
- (a) 1496 | said fiscal year.

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#### (a) 1497 | **6-40 Grants or Other Financial Assistance**

- (a) 1498 | (a) Grants and other forms of financial assistance, whether from the State of Connecticut, the
- (a) 1499 | United States or any other source, shall be subject to review for their financial impact on the
- (a) 1500 | **Town**. The Finance Director or the **Town Department** requesting a grant or other form of
- (a) 1501 | financial assistance shall submit a **Financial Impact Statement** to the Board of Finance and
- (a) 1502 | the Legislative Council that evaluates the impact of the commitments and the conditions
- (a) 1503 | required of the **Town** by the grant or financial assistance on present and future ~~Town~~
- (a) 1504 | ~~Budget~~ **Town Budgets**, Town Plans for Development and Capital Improvement Plans. The
- (a) 1505 | Impact statement shall be submitted and reviewed before any action is taken that commits
- (a) 1506 | the **Town** to accept said grant or financial assistance.

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### (a) 1507 | **CHAPTER 7 FINANCIAL PROCESSES**

#### (a) 1508 | **7-05 General Financial Process**

- (a) 1509 | (a) The fiscal year of the **Town** shall begin on July 1st and end on June 30th.
- (a) 1510 | (b) The system of accounts used by the **Town Departments** shall be that prescribed by the
- (a) 1511 | **General Statutes** as supplemented by regulations adopted by the Board of Finance and
- (a) 1512 | approved by the Legislative Council and in accordance with generally accepted accounting
- (a) 1513 | principles. The accounting system shall include a separate account for each appropriation
- (a) 1514 | showing the amount of the appropriation, the amounts paid or transferred to it, the unpaid
- (a) 1515 | obligations against it and the unencumbered balance of the appropriation.
- (a) 1516 | (c) The Legislative Council, with recommendation from the Board of Finance, shall annually
- (a) 1517 | designate an independent, certified public accountant or firm to audit the books and
- (a) 1518 | accounts of the **Town** as required by the **General Statutes**. Said annual audit shall be
- (a) 1519 | accepted by the Legislative Council with the recommendation of the Board of Finance.
- (a) 1520 | (d) All **Town Departments** and officers shall report and remit all receipts to the Finance
- (a) 1521 | Director as often as he or she may deem desirable but not more often than daily.

#### (a) 1522 | **7-10 Bonding**

- (a) 1523 | (a) The Finance Director shall seek bids from at least 3 lending institutions for all borrowings
- (a) 1524 | and the net bid most favorable to the **Town** must be accepted unless the Finance Director
- (a) 1525 | believes that it is in the best interest of the **Town** to reject all such bids, in which case all
- (a) 1526 | such bids may be rejected. The Finance Director may negotiate refunding and restructuring
- (a) 1527 | of existing bonds when it is financially advantageous. The re-negotiation may be done
- (a) 1528 | without securing bids.
- (a) 1529 | (b) Every resolution for the issue of bonds shall provide for a tax levy for each year to meet all
- (a) 1530 | serial installments of principal and interest and such amounts shall be included in a tax levy
- (a) 1531 | for each year until said bond shall have been paid in full.

#### (a) 1532 | **7-15 Disbursements/Purchases**

- (a) 1533 | (a) The Board of Finance shall keep under review the budget of the **Town** and shall by
- (a) 1534 | regulation prescribe periodic reports of receipts and expenditures for which purpose said

- (a) 1535 | Board of Finance shall have access to the books and records of any ~~such Town~~  
(a) 1536 | **Department** ~~department~~.
- (a) 1537 | (b) The regulations adopted by the Board of Finance and approved by the Legislative Council  
(a) 1538 | shall also designate the forms and procedures for purchase orders to be drawn on the  
(a) 1539 | Finance Director by the Board of Education and the Board of Selectmen.
- (a) 1540 | (c) Neither the Board of Selectmen nor the Board of Education shall draw any order upon the  
(a) 1541 | **Town** unless the Finance Director confirms that there are appropriations within the  
(a) 1542 | requesting **Town Department** ~~Department~~ to cover the request.
- (a) 1543 | (1) Before any **Town** funds are expended or encumbered or any contract is entered into, a  
(a) 1544 | requisition or other form of expenditure authorization request shall be signed by the  
(a) 1545 | department head or other authorized person which then shall be submitted to the  
(a) 1546 | Finance Director for approval and issuance of a purchase order. Each order shall  
(a) 1547 | designate the object for and the account upon which it is drawn.
- (a) 1548 | (2) The Board of Education may make transfers within its own budget and shall report  
(a) 1549 | transfers within its budget in writing monthly to the Finance Director.
- (a) 1550 | (3) When funds appropriated to the office of the Finance Director are spent or encumbered,  
(a) 1551 | purchase orders there for shall be signed by the First Selectman.
- (a) 1552 | (4) The Finance Director, or another member of the Purchasing Authority shall issue all  
(a) 1553 | **Town** purchase orders. Further, the purchasing procedures adopted by the Board of  
(a) 1554 | Finance and approved by the Legislative Council shall be followed.
- (a) 1555 | (d) The Finance Director, in conjunction with the First Selectman, shall be the Purchasing  
(a) 1556 | Authority for the **Town**. All supplies and contracts for services needed by **Town**  
(a) 1557 | **Departments** other than the Board of Education shall be procured through the Purchasing  
(a) 1558 | Authority. Supplies and services needed by the Board of Education may be procured  
(a) 1559 | through the Purchasing Authority when feasible.
- (a) 1560 | (e) No officer or **Town Department** shall expend or vote to incur any liability or expense by  
(a) 1561 | contract or otherwise, or enter into any contract that would obligate the **Town** to expend in  
(a) 1562 | excess of an approved departmental line item appropriation. For the purpose of this  
(a) 1563 | Charter, a line item means any expenditure for the current fiscal year to which the Board of  
(a) 1564 | Finance has assigned an appropriation account number. Any officer or member of a **Town**  
(a) 1565 | **Department** who, without authority from this Charter or the **General Statutes**, expends or  
(a) 1566 | causes to be expended any money of the **Town**, except in payment of final judgments  
(a) 1567 | rendered against the **Town**, shall be liable in a civil action in the name of the **Town**, as  
(a) 1568 | provided in the **General Statutes**.
- (a) 1569 | (f) All sums not in excess of \$50,000 which may become due and payable to the **Town** or any ~~of~~  
(a) 1570 | ~~its departments~~ **Town Department** by virtue of any loss or damage suffered by persons or  
(a) 1571 | property entrusted to the care, supervision or management of any such department shall be  
(a) 1572 | deposited in a special account and segregated by the Finance Director. Thereafter, the  
(a) 1573 | Finance Director shall use such sums so segregated to pay any bills incurred in the course of  
(a) 1574 | repairing or replacing such loss or damage by the **Town Department** in question, but such  
(a) 1575 | payments shall not exceed the lesser of the amount of money so deposited or the cost of  
(a) 1576 | repair or replacement. Any such money which is not so expended within one year from the  
(a) 1577 | date of its deposit shall cease to be segregated from the general fund of the **Town**, unless  
(a) 1578 | the **Town Department** that has incurred the loss or damage, notifies the Finance Director  
(a) 1579 | in writing before the expiration of said year that such repairs or replacements have been



(a) 1580  
(a) 1581

commenced or will be commenced within 90 days and will be completed on a date which will be specified in the aforesaid written notice, not to exceed 18 months.

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- (a) 1582 **7-20 Transfers**
- (a) 1583 (a) During the first 335 days of any fiscal year:
- (a) 1584 (1) The First Selectman and Finance Director may transfer unexpended and unencumbered
- (a) 1585 balances of any appropriations within a department to another appropriation for the
- (a) 1586 same department, which shall not exceed the sum of \$50,000.00. All transfers within a
- (a) 1587 department that exceed the sum of \$50,000.00 shall require the approval of the Board
- (a) 1588 of Finance.
- (a) 1589 (2) Upon the request of the Board of Selectman, the Board of Finance may transfer any
- (a) 1590 unencumbered appropriation, balance or portion thereof from one department to
- (a) 1591 another, which shall not exceed the sum of \$200,000.00. When transfers between
- (a) 1592 departments are proposed which exceed \$200,000.00, the proposed transfers require a
- (a) 1593 recommendation by the Board of Finance and the approval of the Legislative Council.
- (a) 1594 The Legislative Council shall not consider such proposed transfers unless accompanied
- (a) 1595 by a recommendation from the Board of Finance or unless the Board of Finance shall
- (a) 1596 have failed to make such a recommendation within fifteen (15) days after notification
- (a) 1597 by the First Selectman of the action taken by the Board of Selectmen.
- (a) 1598 (3) All appropriations or transfers from a contingency account require a recommendation
- (a) 1599 by the Board of Finance and the approval of the Legislative Council.
- (a) 1600 (b) After the first 335 days, upon request of the Finance Director, the Board of Finance shall
- (a) 1601 have the power to transfer, without limitation, the unexpended and unencumbered
- (a) 1602 balances of any appropriation for one department to an appropriation for another
- (a) 1603 department with the approval of the Legislative Council.
- (a) 1604 (c) Nothing contained in Section ~~7-207-15(f)-15(f)~~ of this Charter shall affect any
- (a) 1605 appropriation contained in, or transfers within, the budget of the Board of Education.

(a) 1606 **7-25 Financial Impact Statements**

- (a) 1607 (a) The Legislative Council in its regulations shall designate the form of the **Financial Impact**
- (a) 1608 **Statement**.
- (a) 1609 (b) No ~~Special Appropriation~~**Special Appropriation** shall be made, no purchase, grant nor
- (a) 1610 gift of real or tangible personal property shall be accepted by any **Town Department**,
- (a) 1611 including the Board of Education as provided in Sections 6-35, 6-40, 8-05, and 8-20 sections
- (a) 1612 , until the Board of Finance and Legislative Council have received and have ~~had had~~
- (a) 1613 sufficient time**thirty-five days** to give due consideration to a **Financial Impact Statement**.
- (a) 1614 (c) Financial Impact Statements shall be prepared by the Finance Director as set forth in
- (a) 1615 Subsection 4-05(c)(7).

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(a) 1616 **CHAPTER 8 ACQUISITION OR DISPOSITION OF REAL PROPERTY**

(a) 1617 **8-01 General Provisions**

- (a) 1618 (a) The Town shall have all the powers set forth in the General Statutes and in this Charter to
- (a) 1619 acquire and dispose of real property.
- (a) 1620 (b) Use of the words "real property" shall be construed to include any definition thereof from
- (a) 1621 any source under Connecticut law and shall include, without limitation, any interest in real
- (a) 1622 property, except that where the interest in real property is a lease then Section 8-20 shall
- (a) 1623 control.

- (a) 1624 **8-05 Acquisition of Real Property**
- (a) 1625 (a) Prior to consideration of acquisition of real property by purchase or for the nonpayment of
- (a) 1626 taxes, the Finance Director shall submit a Financial Impact Statement to the Board of
- (a) 1627 Finance and the Legislative Council as provided in Section 7-25.
- (a) 1628 (b) The Town's acquisition of real property includes any of the following methods:
- (a) 1629 (1) Required dedication to the Town for open space, highways or other purposes by the
- (a) 1630 Planning and Zoning Commission in connection with approval of the subdivision of
- (a) 1631 land;
- (a) 1632 (2) Non-payment of taxes as provided for in the General Statutes, including without
- (a) 1633 limitation by foreclosure, summary foreclosure or sale by the tax collector to the Town
- (a) 1634 following a public auction which does not produce a bid in excess of the amount of tax,
- (a) 1635 interest and fees due and owing on said parcel;
- (a) 1636 (3) By purchase from the owner or by gift by the owner; and
- (a) 1637 (4) By exercise of the Town's power of eminent domain.
- (a) 1638 (c) In acquiring real property the following procedure shall be used:
- (a) 1639 (1) If the property proposed to be acquired is for purposes for which a mandatory referral
- (a) 1640 is required by Section 8-24 of the General Statutes, said referral shall be made before
- (a) 1641 any action is taken by the Legislative Council.
- (a) 1642 (2) The Legislative Council, subject to appropriations for the specific purpose and following
- (a) 1643 the recommendation of the First Selectman with the approval of the Board of Selectmen,
- (a) 1644 may authorize the purchase or acquisition, including without limitation the acceptance
- (a) 1645 of gifts, with or without conditions, of real property for all Town purposes. Exceptions
- (a) 1646 include:
- (a) 1647 (i) Real property acquired for non-payment of taxes,
- (a) 1648 (ii) Real property required to be dedicated in connection with the subdivision of real
- (a) 1649 property and
- (a) 1650 (iii) Acquisition of real property for public highways and related purposes.
- (a) 1651 (3) Following a decision by the Legislative Council to acquire real property, the Board of
- (a) 1652 Selectmen shall authorize an officer, board or commission to act on behalf of the Town
- (a) 1653 in such acquisition.
- (a) 1654 (d) The Planning and Zoning Commission shall have the power to accept on behalf of the Town
- (a) 1655 all open spaces, parks, playgrounds, real property for the purpose of widening or
- (a) 1656 realignment of existing public highways, conservation easements, conservation restrictions,
- (a) 1657 and easements for drainage, slope or similar purposes that it requires to be provided by a
- (a) 1658 subdivider as a condition of subdivision approval. The subdivision map showing said real
- (a) 1659 property, restrictions and easements shall not be filed in the Town Clerk's office until all
- (a) 1660 deeds, easements and restrictions have been properly executed, title is free and clear of all
- (a) 1661 encumbrances, the town attorney has notified the Town Clerk that said deeds, easements
- (a) 1662 and restrictions meet said conditions and accomplish the purposes for which they are
- (a) 1663 required, and said deeds, easements and restrictions, except for a deed for the road which is
- (a) 1664 to become a public highway, are recorded concurrently with filing the subdivision map.
- (a) 1665 Approval by the commission is not subject to any right of appeal. Title to real property shall
- (a) 1666 be conveyed by warranty deed.

- (a) 1667 **8-10 Sale or Disposition of Real Property Acquired for Non-Payment of Taxes**
- (a) 1668 (a) Real property acquired for non-payment of taxes shall be sold unless the Legislative Council  
(a) 1669 by ~~a majority of~~ at least seven (7) affirmative votes to retain said property for potential use.
- (a) 1670 (b) If the Legislative Council so votes there shall be a waiting period of 180 days after the vote  
(a) 1671 to permit the Legislative Council to make a final determination whether or not to retain said  
(a) 1672 real property. The Legislative Council may vote at any time to terminate the waiting period.
- (a) 1673 (c) Before making a final determination to retain said real property for a specific town purpose  
(a) 1674 the Legislative Council shall follow the same procedure set forth in Subsection 8-05(c)  
(a) 1675 above as if it were an acquisition of real property rather than a retention.
- (a) 1676 (d) Upon a vote to terminate the waiting period, or upon the expiration of the waiting period  
(a) 1677 without action by the Legislative Council to retain said real property, the First Selectman  
(a) 1678 shall sell said property, taking all steps required by Section 8-15 of this Charter.

(a) 1679 **8-15 Procedure for the Sale of Real Property**

- (a) 1680 The Town shall take the following steps in order to sell or dispose of real property:
- (a) 1681 (a) The First Selectman, with the approval of the Board of Selectmen, and the Legislative  
(a) 1682 Council by a majority vote of its entire membership, may propose the sale, exchange or  
(a) 1683 other disposition of town-owned real property. Before any other action is taken on the  
(a) 1684 proposal, the Town shall have notice of the availability of said real property for sale warned  
(a) 1685 according to Subsection 1-25(b); and the property appraised by a licensed real property  
(a) 1686 appraiser who shall submit a written copy of the appraisal to the First Selectman and the  
(a) 1687 Legislative Council in confidence. If the proposal is to sell to, or exchange town-owned land  
(a) 1688 with, an adjacent property owner the impact of the acquisition of the town-owned land on  
(a) 1689 the value of the real property already owned by said owner shall be included in the  
(a) 1690 appraisal in addition to the value of the land being exchanged. If the town-owned property  
(a) 1691 being sold or exchanged is only part of a tract of contiguous land owned by the Town, the  
(a) 1692 appraisal shall also include the impact on the value of the remaining property. The appraisal  
(a) 1693 shall not be disclosed to any other person while negotiations are ongoing. The appraisal  
(a) 1694 shall be open for public inspection if the proposal becomes the subject of a hearing or  
(a) 1695 meeting open to the public.
- (a) 1696 (b) Should the Board of Selectman or the Legislative Council by a majority vote decide to  
(a) 1697 continue the process after receiving the appraisal, the proposal shall be circulated for  
(a) 1698 comment to all boards and commissions having an interest in the sale or disposition of the  
(a) 1699 real property in question, at a minimum the Planning and Zoning, Inland Wetlands, Parks  
(a) 1700 and Recreation, Conservation, and Economic Development Commissions.
- (a) 1701 (c) All dispositions of real property shall require approval of the Legislative Council. Prior to  
(a) 1702 said approval:
- (a) 1703 (1) The Legislative Council shall have received a written report from all the boards and  
(a) 1704 commissions which received a referral or after 35 days have passed from the date the  
(a) 1705 referral was requested and;
- (a) 1706 (2) The Planning and Zoning Commission shall hold a hearing on the proposal as required  
(a) 1707 by Section 8-24 of the General Statutes;
- (a) 1708 (3) The Legislative Council shall hold a hearing on the proposal as required by Section 7-  
(a) 1709 163e of the General Statutes. Notice of such hearing shall be given by posting a notice in  
(a) 1710 the Town Clerk's office and on the town website, and on a sign located on the property,

- (a) 1711 at least 15 days prior to the date of the public hearing, and noticed twice according to  
(a) 1712 Subsection 1-25(b), the first not more than 15 nor less than 10 days prior to the date of  
(a) 1713 the public hearing, and the second not less than 2 days after the first publication and not  
(a) 1714 less than 2 days prior to the hearing.
- (a) 1715 (d) Upon meeting said requirements of Subsection 8-15(c), the Legislative Council may vote to  
(a) 1716 sell or otherwise dispose of said real property by the requisite number of votes, with or  
(a) 1717 without conditions. This vote must include a finding that:
- (a) 1718 (1) The real property in question is excess land not needed for municipal purposes now or  
(a) 1719 in the foreseeable future, or
- (a) 1720 (2) The sale or disposition of the town-owned real property is for the purpose of facilitating  
(a) 1721 acquisition of improved or unimproved real property for a project already funded which  
(a) 1722 is more suited to accomplishing said project than the real property already owned, or
- (a) 1723 (3) In exceptional circumstance fully described in its action, the Legislative Council may  
(a) 1724 recommend the sale or disposition of said property to the Board of Selectmen having  
(a) 1725 considered factors other than obtaining the highest price, such as considering the  
(a) 1726 buyer's binding commitment to use the property for a specific purpose deemed  
(a) 1727 beneficial to the town.
- (a) 1728 If the Legislative Council votes to sell or otherwise dispose of said real property, the First  
(a) 1729 Selectman is authorized to take all steps necessary to carry out the sale or other disposition  
(a) 1730 in accordance with the procedure set forth herein.
- (a) 1731 (e) Where the Legislative Council votes to sell or otherwise dispose of real property having an  
(a) 1732 appraised value of \$1,500,000 or more said action shall require approval of a referendum.
- (a) 1733 (f) The First Selectman, with the approval of the Board of Selectmen, shall determine whether a  
(a) 1734 sale by public auction or a private sale, with or without listing the property for sale with a  
(a) 1735 real estate broker, is in the best interest of the Town.
- (a) 1736 (g) If the decision is made to sell the real property at public auction such sale, including the  
(a) 1737 terms thereof, shall be noticed twice according to Subsection 1-25(b), with the first such  
(a) 1738 notice at least 30 days prior to the auction date and the last not more than 15 days prior to  
(a) 1739 the auction date.
- (a) 1740 (1) The successful bidder at the auction shall submit a deposit of ten percent (10%) of the  
(a) 1741 successful bid immediately after the auction is ended, with the balance due within 30  
(a) 1742 days of the close of the auction, which date may be extended for up to an additional 30  
(a) 1743 days by the Board of Selectmen. If the successful bidder at auction is unable to make  
(a) 1744 such ten percent (10%) deposit immediately upon acceptance of his bid, said bidder and  
(a) 1745 his/her agent shall be disqualified from future bidding at any re-auction of said real  
(a) 1746 property. If said deposit is made but the successful bidder does not close within said  
(a) 1747 time limits for any reason, time being of the essence, said deposit shall be retained by  
(a) 1748 the Town as liquidated damages, and the Town shall be free to start the sale process  
(a) 1749 again.
- (a) 1750 (2) All other terms under which the sale is conducted shall be determined by the First  
(a) 1751 Selectman with the concurrence of the auctioneer.
- (a) 1752 (h) If the decision is made to sell the real property by private sale, the price and terms of the  
(a) 1753 contract of sale, subject to the terms of this subsection, shall be established by the First  
(a) 1754 Selectman with the approval of the Board of Selectmen and confirmed by an affirmative  
(a) 1755 vote of at least eight (8) members of the Legislative Council. In setting the price the First

- (a) 1756 Selectman shall consider the appraisal required by Subsection 8-15(a). Any such contract of
- (a) 1757 sale shall contain a provision to the effect that if the buyer fails to close on the date set for
- (a) 1758 closing in the contract (or as extended by agreement between the Town and the buyer) the
- (a) 1759 Legislative Council may declare the contract terminated if not closed by a date certain, not
- (a) 1760 more than 14 days from the date of the vote, time being of the essence. If the buyer fails to
- (a) 1761 close by said "time of the essence" date the buyer shall be in breach of the contract and any
- (a) 1762 deposit paid shall be retained by the Town as liquidated damages.
- (a) 1763 (i) The requirements of Subsections 8-15(a) through (h) inclusive shall not apply to private
- (a) 1764 sales of town-owned land where a written appraisal by an appraiser certified or licensed by
- (a) 1765 the State of Connecticut has been obtained and neither the value of the property being sold
- (a) 1766 nor the benefit to the purchaser exceeds \$20,000.00.
- (a) 1767 (j) If the transfer of town-owned real property provides consideration, in whole or in part, for
- (a) 1768 the acquisition of other real property, said transfer is an in-kind payment, and the value
- (a) 1769 thereof must be included for purposes of making an appropriation as if it were a cash
- (a) 1770 payment.

(a) 1771 **8-20 Leasing of Real Property**

- (a) 1772 (a) All leases shall be negotiated by the First Selectman, with the final, written version subject
- (a) 1773 to approval by the Board of Selectmen. The proposed lease shall be executed by the First
- (a) 1774 Selectman and the tenant or the landlord, as the case may be, conditioned on the actions set
- (a) 1775 forth in Subsections 8-20(c) and (d) taking place.
- (a) 1776 (b) Before negotiations are undertaken, the First Selectman shall obtain a written opinion by a
- (a) 1777 licensed real estate appraiser of the fair market rent for the real property in question for the
- (a) 1778 proposed term and a financial impact statement from the Finance Director. The opinion of
- (a) 1779 fair market rent shall be confidential. Where the term of the proposed lease and all options
- (a) 1780 to renew is for 5 years or less, it shall be optional with the First Selectman whether or not to
- (a) 1781 obtain an opinion of fair market rent.
- (a) 1782 (c) If the Board of Selectmen vote to approve the proposed lease, an outline of the lease
- (a) 1783 including, without limitation, the rent and term, including all options, shall be circulated to
- (a) 1784 the boards and commissions listed in section 8-15(b) for comment. Where the proposed
- (a) 1785 lease is of town-owned real property, and following receipt of said comments or after 35
- (a) 1786 days without receiving comments, a public hearing on said proposed lease shall be held ~~by~~
- (a) 1787 ~~the Planning and Zoning Commission pursuant to Section 8-24 of the General Statutes, and~~
- (a) 1788 ~~by the Legislative Council pursuant to Section 7-163e of the General Statutes.~~
- (a) 1789 (d) If the Planning and Zoning Commission approves the lease following the Section 8-24
- (a) 1790 hearing and the term of the proposed lease, including all options to renew, is for 5 years or
- (a) 1791 less, the Legislative Council may vote to reject the proposed lease if it acts within 20 days of
- (a) 1792 the close of the ~~later of the two~~ public hearings; otherwise the proposed lease shall take
- (a) 1793 effect as written. ~~An affirmative~~ ~~A majority~~ vote of the Legislative Council to enter into the
- (a) 1794 proposed lease is required if the term of the proposed lease, including all options to renew,
- (a) 1795 is for more than 5 years unless the Planning and Zoning Commission votes to disapprove
- (a) 1796 the lease following the Section 8-24 hearing. If disapproved by the Planning and Zoning
- (a) 1797 Commission, any such lease shall require ~~the approval of two-thirds of the entire~~
- (a) 1798 ~~membership~~ ~~the affirmative vote of at least eight (8) members~~ of the Legislative Council.
- (a) 1799 (e) The power to enter into leases of space in the Edmond Town Hall is governed by Special Act
- (a) 1800 98 of the 1931 session of the Connecticut General Assembly.

(a) 1801 **CHAPTER 9 ETHICS COMPLAINTS AND ADVISORY OPINIONS**

(a) 1802 **9-05 Code of Ethics**

- (a) 1803 (a) The Code of Ethics shall guard against improper influence or the appearance of improper  
(a) 1804 influence to better ensure public trust in the government. To that end, the Code of Ethics  
(a) 1805 shall set standards on the conduct of all **Town** officials and employees as necessary or  
(a) 1806 appropriate ~~to prevent a conflict of interest or the appearance of a conflict.~~
- (a) 1807 (b) The Code of Ethics is an ordinance which can be amended in accordance with the  
(a) 1808 procedures for amending ordinances except that the Board of Ethics, without a petition,  
(a) 1809 may propose amendments. In the event that an amendment is so proposed, the Legislative  
(a) 1810 Council shall have ~~no more than 60~~ 120 days to approve, modify or reject said amendment.
- (a) 1811 (c) The Board of Ethics shall be charged with the administration of the Code of Ethics. The  
(a) 1812 Board shall adopt and may amend reasonable rules and regulations for the administration  
(a) 1813 of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall  
(a) 1814 hold a public hearing. Notice of the date, time and place of the public hearing, together with  
(a) 1815 the text of the proposed amendment, shall be warned according to Subsection 1-25(b) not  
(a) 1816 less than 10 days before the date of said hearing. All such rules and regulations, as currently  
(a) 1817 amended, shall be made available at the office of the Town Clerk to any **Resident Elector** of  
(a) 1818 the **Town**.
- (a) 1819 (d) Whenever an officer, official, or employee of the **Town** is contemplating taking an action or  
(a) 1820 participating in any proceeding and has any question concerning the conformity of that  
(a) 1821 action or participation with the Code of Ethics, the officer, official or employee shall have  
(a) 1822 the right to seek an advisory opinion of the Board. Such request must be submitted in  
(a) 1823 writing and the resulting advisory opinion from the Board shall be in writing.

(a) 1824 **9-10 Procedure for Complaints**

- (a) 1825 (a) The Board of Ethics shall receive complaints of any violations of the Code of Ethics and shall,  
(a) 1826 upon receipt of such complaints, investigate the same and may hold private investigations  
(a) 1827 thereon if, in the opinion of the majority of the Board, said complaint warrants an  
(a) 1828 investigation. Any complaint received by the Board must be in writing and signed by the  
(a) 1829 individual making said complaint. Complaints made to the Board of Ethics shall not be made  
(a) 1830 public unless and until the complaint is found to warrant a hearing. Upon receiving any  
(a) 1831 complaint, the Board shall privately notify in writing the person against who said complaint  
(a) 1832 has been filed, advising the concerned party of the specific nature of the complaint made  
(a) 1833 and being investigated by the Board and the name of the complainant. Upon receipt of said  
(a) 1834 notice from the Board, the party so notified that a complaint has been filed against him/her  
(a) 1835 shall have the right to request a full hearing by the Board. In the event the Board decides  
(a) 1836 that a hearing is required, or the person whose conduct is being called into question  
(a) 1837 requests a hearing, said hearing shall afford the person whose conduct is called into  
(a) 1838 question the right to cross-examine witnesses, to meet and answer the complaint, and to  
(a) 1839 present evidence. No hearing may be conducted with fewer than 4 members of the Board in  
(a) 1840 attendance.
- (a) 1841 (b) In the event the Board shall receive complaints against any officer, official or employee of  
(a) 1842 the **Town**, the investigation and disposition of which have been delegated to other boards  
(a) 1843 or commissions created by the Charter or under the **General Statutes**, then the Board shall  
(a) 1844 forward the complaint received to the appropriate board or commission. The board or  
(a) 1845 commission to which such complaints are forwarded shall thereafter notify the Board of the  
(a) 1846 disposition made of said complaint.



- (a) 1847 (c) The Board shall report to the Board of Selectmen its finding as to whether or not a violation
- (a) 1848 of the Code of Ethics has occurred, together with recommendation as to dispositions to be
- (a) 1849 made. The First Selectman with the approval of the Board of Selectmen shall thereupon take
- (a) 1850 such action as it may deem appropriate including, but not limited to, removal from office,
- (a) 1851 suspension or censure of the person(s) who is the subject of the complaint or dismissal of
- (a) 1852 the charges, except that elected officials may not be removed or suspended from office.
- (a) 1853 (d) All opinions, finding and recommendations of the Board, whether advisory or at the request
- (a) 1854 of a complainant, shall be kept on file in the office of the Town Clerk.
- (a) 1855 (e) The Legislative Council, by regulation, may prescribe procedures permitting the
- (a) 1856 reimbursement by the **Town** of any reasonable out-of-pocket expenses and attorney's fees
- (a) 1857 incurred in connection with an appearance before the Board of Ethics by an officer, official
- (a) 1858 or employee of the **Town**.

(a) 1859 **CHAPTER 10 TRANSITION AND MISCELLANEOUS**

(a) 1860 **10-01 Effective Date**

- (a) 1861 (a) As originally adopted this Charter was effective at 12:01 A.M. October 9, 1961.

(a) 1862 **10-02 Amendment of the Charter**

- (a) 1863 (a) This Charter may only be amended in the manner prescribed by the **General Statutes**.
- (a) 1864 (b) Within 5 years after submission of the [final](#) report of the most recent Charter Revision
- (a) 1865 Commission, the Legislative Council shall appoint a Charter Revision Commission to review
- (a) 1866 the Charter and any recommendations made by the Legislative Council.

(a) 1867 **10-03 Schedules of Superseded Acts**

- (a) 1868 (a) The following special acts shall have no force or effect after the effective date of this
- (a) 1869 Charter:

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	

(a) 1882 **10-04 Savings Clause**

- (a) 1883 (a) If any section, subsection, sentence, phrase, clause or word of this Charter shall be held  
(a) 1884 invalid by a Court of competent jurisdiction, such holding shall not affect the remainder of  
(a) 1885 this Charter, except to the extent that some other word, clause, phrase, sentence, subsection  
(a) 1886 or section may be inseparably connected in meaning and effect with the section, subsection,  
(a) 1887 sentence, phrase, clause or word to which such holding shall directly apply.
- (a) 1888 (b) Any reference to the **General Statutes** means as said Statutes may be amended from time  
(a) 1889 to time.

FINAL REPORT