

# THE TOWN OF BOLTON CHARTER



**REVISED TO JULY 1, 2009**

# BOLTON TOWN CHARTER

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## CHARTER REVISION COMMISSION MEMBERSHIP

APPOINTED BY THE BOARD OF SELECTMEN AT A REGULAR MEETING HELD ON JUNE 6, 2006.

<u>NAME</u>	<u>ADDRESS</u>
1. Lisa Catanese	60 Maple Valley Road
2. Ed DelSignore	17 Laurwood Drive
3. Paul Edelen	17 Pond View Road
4. Robert Lessard	15 Converse Road
5. Gwen Marrion	38 Maple Valley Road
6. Carl Preuss	158 Brandy Street
7. Barry Stearns*	21 Cook Drive
8. Cathy Teller, Alternate	23 Elizabeth Road

\* Chairman

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ORIGINAL CHARTER ADOPTED AT THE NOVEMBER 2, 1976 STATE ELECTION  
EFFECTIVE: JULY 1, 1977

CHARTER REVISION ADOPTED AT A REFERENDUM HELD ON MAY 4, 1981  
EFFECTIVE DATE: JUNE 3, 1981

CHARTER REVISION ADOPTED AT THE MAY 3, 1993 MUNICIPAL ELECTION  
EFFECTIVE DATE: JULY 1, 1993

CHARTER REVISION ADOPTED AT THE NOVEMBER 3, 1998 GUBERNATORIAL  
ELECTION EFFECTIVE DATE: JULY 1, 1999

CHARTER REVISION ADOPTED AT THE NOVEMBER 4, 2008 PRESIDENTIAL  
ELECTION EFFECTIVE DATE: JULY 1, 2009

## **CHAPTER 1**

### **CHAPTER 1.**

#### **INCORPORATION, GENERAL POWERS AND DEFINITIONS**

##### **Section 1.1 INCORPORATION**

All the inhabitants dwelling within the territorial limits of the Town of Bolton, as heretofore or hereafter constituted, shall continue to be a body politic and corporate under the name of "The Town of Bolton" hereinafter called the "Town". The Town shall have perpetual succession and may hold and exercise all the powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred, and all powers and privileges conferred upon towns by the Constitution and General Statutes of the State of Connecticut.

##### **Section 1.2 RIGHTS AND OBLIGATIONS**

All property, both real and personal, all rights of action and rights of every description, and all securities and liens vested or inchoate in the Town as of the effective date of this Charter shall continue to be vested in the Town. The Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on this date. Nothing herein shall be construed to affect the right of the Town to collect any prior and/or future assessment, charge, debt or lien. If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains a provision that the same may be enforced by any commission, board, agency or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall continue in full force and effect, and the powers conferred and the duties imposed with reference to the same upon any such commission, board, agency or officer shall, except as otherwise provided in the Charter, thereafter be exercised and discharged by the Board of Selectmen.

##### **Section 1.3 GENERAL GRANT OF POWERS**

In addition to all powers granted to towns under the Constitution and General Statutes or which may hereafter be conferred, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by special acts of the General Assembly, not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the Town including the power to enter into contracts with the United States Government or any branch thereof, the State of Connecticut or any agency or other body politic or corporate not expressly forbidden by the Constitution and General Statutes. The enumeration of particular powers in this and any other chapter of this Charter shall

**CHAPTER 1 SECTION 1.3 cont.**

not be construed as limiting this general grant of power but shall be considered as an addition thereto. This Charter shall be the organic law of the Town in the administration of local affairs.

**Section 1.4 DEFINITIONS**

(A) Whenever the term "Town" is used herein, the term shall not only include the Town as a geographic and political entity, but shall also include all of its boards and agencies including the Board of Education.

(B) All references to he or she (his/her) throughout this Charter shall be understood to apply equally to both genders.

## CHAPTER 2

### CHAPTER 2.

#### ELECTIONS, GENERAL

##### Section 2.1 GENERAL, STATE, NATIONAL

Nominations and elections of state and federal officers, Judge of Probate, Justices of the Peace and Registrars of Voters shall be conducted as prescribed by the General Statutes. The Registrars of Voters shall prepare lists of electors qualified to vote in elections in the manner prescribed in the Constitution and the general laws of the State of Connecticut.

##### Section 2.2 GENERAL, TOWN

A meeting of the electors of the Town of Bolton for the election of commissions, boards, agencies and officers of the Town shall be held on the first Tuesday after the first Monday in November 2011, and biennially thereafter.

##### Section 2.3 ELIGIBILITY

No person shall be eligible for election to any Town office who is not, at the time of his nomination and election, an elector of said Town, as defined by Section 9-1 of the General Statutes, and any person ceasing to be an elector of said Town shall thereupon cease to hold such elected office in the Town.

##### Section 2.4 BREAKING A TIE

(A) When any regular or special municipal election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes to determine who shall be elected, or in case of a question at referendum, whether it shall be accepted or rejected. The provisions of this section shall not apply to questions at referendum which, under the provisions of this Charter or the General Statutes require a minimum number of electors voting in favor of such questions for approval.

(B) When any primary election results in a tie, such tie shall be resolved in accordance with the provisions of Section 9-446 of the General Statutes.

(C) Any adjourned referendum to be held pursuant to this provision shall be held no less than seven (7) nor no more than fourteen (14) days after the referendum which resulted in a tie and shall be confined to the tied issues. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines.



## **CHAPTER 2 SECTION 2.4 cont.**

(D) Notwithstanding the provisions of subparagraphs (A) and (B) above, when any municipal election conducted pursuant to the provisions of this Charter results in a tie, with the written consent of the tied candidates, the tie may be broken by a single toss of a coin carried out by a third party selected by the tied candidates.

### **Section 2.5 VACANCIES IN ELECTED OFFICES**

(A) A vacancy occurring in the office of First Selectman or on the Board of Selectmen, the Registrars of Voters, the Judge of Probate and the Justices of the Peace, shall be filled pursuant to the processes set forth in the General Statutes.

(B) A vacancy occurring in any other elective Town office, including alternate positions, from whatever cause arising, shall be filled by vote of the remaining members of the board on which such vacancy occurs, but if the vacancy is not filled within sixty (60) days from the time such office becomes vacant, the Board of Selectmen shall, within thirty (30) days thereafter, fill the vacancy by appointment.

(C) The process for filling a vacancy in any elective Town office, including alternate positions, is as follows: first, the remaining board or commission members shall make an automatic offer to an alternate to fill the vacancy. Said vacancy shall be filled by an alternate with the same political affiliation as the member who created the vacancy, taking into account the laws concerning minority representation contained in the General Statutes and Section 11.1 of this charter. If no such alternate exists, or if no such alternate is willing to fill the vacancy, the board or commission members will make the appointment as otherwise permitted or required by law.

(D) An appointee to a vacancy in an elected office shall serve until a successor is duly elected at either a special election or the next regular Town election and has qualified.

(E) All resignations from any Town commission, board, agency or office shall be in writing and shall be submitted to the Town Clerk no later than thirty (30) days prior to the effective date of the resignation, by the Selectmen for Town offices or by the chairman or head of a Town commission, board or agency for such commission, board or agency.

### **Section 2.6 BOARD FOR ADMISSION OF ELECTORS**

The Town Clerk and the Registrars of Voters shall constitute the Board for admission of electors and perform the duties prescribed in Chapter 143 of the General Statutes, subject to the change of membership in accordance with the provisions of Section 9-15a of the General Statutes.

## **CHAPTER 2 SECTION 2.7**

### **Section 2.7 NOMINATION OF PARTY AFFILIATED AND INDEPENDENT CANDIDATE**

(A) All elected Commissions, Boards, Agencies and Offices. The name of any person who is an elector of the Town shall be placed on the voting machines at the Town election as a candidate for any office to be filled if such person has been nominated by a political party in accordance with the provisions of the General Statutes or in whose behalf there shall be filed a petition presenting such person as a candidate for election, said petition to be filed in accordance with the requirements of Section 9-453 et seq. of the General Statutes, the sufficiency of said petition to be determined by the Town Clerk and the Secretary of State as provided therein, and which candidacy shall in all other respects meet the requirements and conditions set forth herein. The names of all candidates duly nominated shall be arranged according to the election procedures as established by the General Statutes.

(B) Board of Education. Candidates for election to the Board of Education shall be nominated and elected in accordance with the provisions of Section 9-204b of the General Statutes.

## CHAPTER 3

### CHAPTER 3.

#### **ELECTED COMMISSIONS, BOARDS, AGENCIES AND OFFICERS**

##### Section 3.1 COMMISSIONS, BOARDS, AGENCIES AND OFFICERS

(A) State Elections. The following offices shall be filled by election at the time of State elections:

Registrars of Voters                      Judge of Probate

(B) Town Elections. The following Town commissions, boards, agencies and offices shall be filled at the time of the Town election:

First Selectman	Planning and Zoning Commission
Selectmen	Planning and Zoning Commission Alternates
Board of Finance	Zoning Board of Appeals
Board of Education	Zoning Board of Appeals Alternates
Board of Assessment Appeals	Town Meeting Moderator

(C) Other. The following Town Office shall be filled by selection in accordance with the provisions of the General Statutes:

Justices of the Peace

##### Section 3.2 GENERAL POWERS AND DUTIES

All elected Town commissions, boards, agencies and officers shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed upon them by the General Statutes and such other powers and duties conferred or imposed upon them by this Charter.

##### Section 3.3 COMMENCEMENT AND DURATION OF TERM

(A) The term of office for each Registrar of Voters shall commence on the Wednesday following the first Monday of January succeeding his election unless otherwise provided by the General Statutes or by this Charter.

(B) The term of Justices of the Peace shall begin on the first Monday of January succeeding their nomination as provided in Section 9-183b of the General Statutes.

(C) The term of office for the Judge of Probate shall commence on the Wednesday immediately following the first Monday in January succeeding his election.

(D) The term of office for each person elected at the Town elections shall commence on the second Monday following his election unless otherwise provided by the General Statutes or by this Charter.

**CHAPTER 3 SECTION 3.3 cont.**

(E) All persons elected or selected to any commission, board, agency or office pursuant to the provisions of Chapters 2 and 3 of this Charter shall, take office upon qualification, and shall continue to hold such position until his successor is duly elected and qualified.

**Section 3.4 QUADRENNIAL STATE ELECTIONS: OFFICES, TERMS,  
ADDITIONAL DUTIES AND TRANSITION**

(A) Registrar of Voters. There shall be two Registrars of Voters, one for each major political party, in accordance with Section 9-189a of the General Statutes, each of whom shall serve a term of four (4) years. Each Registrar of Voters shall appoint a Deputy Registrar of Voters in accordance with Section 9-192 of the General Statutes, who shall serve at the pleasure of the Registrar who appointed such Deputy.

(B) Judge of Probate. The Town is a member of a Probate District and shall, with the other member towns of such District, elect a Judge of Probate who shall serve a term of four (4) years.

**Section 3.5 BIENNIAL TOWN ELECTIONS: COMMISSIONS, BOARDS,  
AGENCIES AND OFFICERS, TERMS AND ADDITIONAL DUTIES**

(A) First Selectman. The First Selectman shall serve a term of two (2) years.

(B) Board of Selectmen. The Board of Selectmen shall consist of the First Selectman and four (4) other Selectmen, each of whom shall serve a term of two (2) years. The votes cast for any unsuccessful candidate for First Selectman shall be counted as votes for such person as a member of the Board of Selectmen.

(C) Board of Finance. The Board of Finance shall consist of seven (7) members each of whom shall serve a term of four (4) years.

(D) Board of Education. The Board of Education shall consist of seven (7) members each of whom shall serve a term of four (4) years.

(E) Board of Assessment Appeals. The Board of Assessment Appeals shall consist of three (3) members each of whom shall serve a term of four (4) years.

(F) Planning and Zoning Commission. The Planning and Zoning Commission shall consist of seven (7) members each of whom shall serve a term of four (4) years.

(G) Planning and Zoning Commission Alternates. There shall be three (3) Planning and Zoning Commission Alternates each of whom shall serve a term of four (4) years.

**CHAPTER 3 SECTION 3.5 cont.**

(H) Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five (5) members each of whom shall serve a term of four (4) years.

(I) Zoning Board of Appeals Alternates. There shall be three (3) Zoning Board of Appeals Alternates each of whom shall serve a term of four (4) years.

(J) Town Meeting Moderator. The Town Meeting Moderator shall serve a term of two (2) years.

**Section 3.6 JUSTICES OF THE PEACE**

The number of Justices of the Peace shall be that prescribed by, and selected in accordance with the provisions of Sections 9-183b, 9-183c, 9-184, 9-184c and 9-186 of the General Statutes.

## **CHAPTER 4**

### **CHAPTER 4.**

#### **THE BOARD OF EDUCATION**

##### Section 4.1 GENERAL

The Board of Education shall perform such duties and have such powers as are or may be imposed or vested by the General Statutes upon Boards of Education and shall perform all acts required of said board by the Town or necessary to carry into effect the powers and duties imposed upon said Board of Education by law.

## CHAPTER 5

### CHAPTER 5.

#### BOARD OF SELECTMEN

##### Section 5.1 POWERS AND DUTIES

(A) General Powers. The Selectmen shall have the powers and duties hereinafter conferred by this Charter and all those powers and duties which are conferred upon boards of selectmen by the Constitution and all applicable sections of the General Statutes. The legislative authority shall be vested in the Board of Selectmen except as provided in Chapter 10 of this Charter.

(B) 1. Except as otherwise provided by the General Statutes or this Charter, no action shall be taken by the Board of Selectmen unless a majority (3) of the entire Board of Selectmen vote in favor of such action.

2. Any action regarding the adoption, amendment or repeal of ordinances, not inconsistent with this Charter or the provisions of the General Statutes, shall require the affirmative vote of four (4) members of the Board of Selectmen.

(C) Additional Powers and Duties. The Board of Selectmen, in addition to the other powers and duties set forth in this Charter, shall have the following additional powers and duties:

1. Assist the Board of Finance in assembling, compiling and publishing the Annual Report of the Town;

2. Create, consolidate or abolish permanent and temporary commissions, boards, agencies or offices. The Board of Selectmen shall appoint the members to and prescribe the powers and duties of such commissions, boards, agencies or offices. The term of temporary commissions, boards, agencies or offices shall not exceed eighteen (18) months;

3. Participate in and appoint representatives to state, regional and inter-town agencies;

4. Convene any or all Town commissions, boards, agencies and officers to review, plan or coordinate activities and operations of Town government, and may require reports to be submitted to it from all commissions, boards, agencies and officers;

5. Hold such special Town Meetings as shall be necessary to carry out the functions of the Town;

## **CHAPTER 5 SECTION 5.1 cont.**

6. Adopt, amend or repeal ordinances, not inconsistent with this Charter or the provisions of the General Statutes, only upon the affirmative vote of four (4) members of the Board of Selectmen;

7. Employ such staff, including professionals, and delegate to such staff such powers, duties and responsibilities, consistent with the provisions of this Charter, as the Board of Selectmen deems desirable for the purpose of carrying out the Board's duties and responsibilities;

8. Adopt pay plans including wage scales, salaries, and benefits for all positions of the Town except employees of the Board of Education and file the same with the Town Clerk and the Board of Finance;

9. Adopt policies and regulations pertaining to the conduct, employment, work performance of Town Employees, except employees of the Board of Education, and termination of Town Employment, and may delegate the administration of these policies and regulations in whole or in part to the First Selectman and/or the Administrative Officer;

10. Contract for services and use of facilities of any federal agency, state agency or any political subdivision thereof;

11. Accept or refuse to accept Town roads after receipt of a full report from the Planning and Zoning Commission;

12. Institute, prosecute, defend or compromise any legal action or proceedings by or against the Town;

13. Investigate any and all subject matters within the scope of authority for action by the Town including, but not limited to, all commissions, boards, agencies and offices of the Town; and, for the purposes of such investigation, call Town officers and/or any member of any Town commission, board or agency, to appear before the Board of Selectmen to testify and furnish documentation on any matter under investigation;

14. Generally supervise the administration of the affairs of the Town, except those matters which by the General Statutes, or by this Charter, are exclusively committed to the Board of Education;

15. May administer in whole or in part the purchase of supplies, materials, equipment and other commodities required by any office, board, commission or agency of the Town except the Board of Education;



**CHAPTER 5 SECTION 5.1 cont.**

16. May administer in whole or in part the maintenance of any public building, park, playground, road or other facility under the care of any office, board, commission or agency of the Town, except any thereof under the care of the Board of Education;

17. May act for the Board of Education in matters provided for in Section 5.1 (C) Subsections 15 and 16 above upon agreement with the Board of Education;

18. Supervise and administer regulations with respect to accounting and expenditures as established by the Board of Finance in accord with Section 9.9 of this Charter.

19. The Board of Selectmen may ensure that a twenty (20) year long-range plan shall be developed and updated annually and that such plan shall include, but not be limited to, capital items and land use.

20. The Board of Selectmen shall appoint all appointed officers of the Town by ordinance, except where otherwise provided in this Charter. All of the Town's appointed officers shall serve at the pleasure of the Board of Selectmen.

21. The Board of Selectmen shall perform a formal written annual review of the Administrative Officer.

(D) Administrative Officer. The Board of Selectmen shall hire an Administrative Officer to assist the Board of Selectmen in conducting Town affairs by performing such responsible and high level administrative, supervisory and research duties and functions as may be determined by the Board of Selectmen.

1. The Administrative Officer shall be hired by the Board of Selectmen after having been chosen exclusively on the basis of technical and administrative qualifications, character, ability to interact with the public, educational background and training/certification and professionally related experience. Educational training shall be defined as a minimum of a baccalaureate degree. The Board of Selectmen may hire and discharge the Administrative Officer upon the affirmative vote of four members.

2. The Administrative Officer is responsible to and works under the general direction of the First Selectman and Board of Selectmen. The Administrative Officer shall be responsible for the administration of all Town departments and agencies, except the Board of Education and those Town agencies whose head or members are elected by popular vote. The Administrative Officer shall be the Town's personnel officer, excluding the Board of Education, reporting to the First Selectman on all discipline and labor matters. The First Selectman shall then report on those matters to the Board of Selectmen. The Administrative Officer shall coordinate the administration of the officers, boards, commissions, agencies, and authorities of the Town appointed by the

## CHAPTER 5 SECTION 5.1 cont.

Board of Selectmen except those functions reserved or delegated to such bodies by law or Charter.

3. The Administrative Officer shall perform those administrative duties conferred by this Charter to the Administrative Officer and as determined by the Board of Selectmen and/or the First Selectman. The Administrative Officer, in conjunction with the First Selectman, shall prepare the Board of Selectmen meeting agendas, including analysis of and recommendations on pertinent issues. The Administrative Officer shall develop policies for review and draft proposed regulations and ordinances. The Administrative Officer shall have the right to attend all meetings of the Board of Selectmen, except those executive sessions where the Administrative Officer is excused by the Board, with the full right to participate in all discussions, but without the right to vote.

4. The Administrative Officer shall recommend for employment or discharge all employees of the Town, subject to the approval of the Board of Selectmen, except appointed officers and employees of the Board of Education.

5. The Administrative Officer shall perform a formal written annual review of all department heads and report on those reviews to the First Selectman. The First Selectman shall then report on those reviews to the Board of Selectmen.

### Section 5.2 PUBLIC HEARING ON AND PUBLICATION OF ORDINANCES AND POWER OF OVERRULE

(A) Public Hearing. Except as provided in Section 5.3 of this Charter, no ordinance shall be adopted, amended or repealed by the Board of Selectmen until and unless one public hearing on such action shall have been held by said Board of Selectmen. Notice of such public hearing shall be given not less than five (5) days or more than thirty (30) days in advance of such hearing by publication in a newspaper having general circulation within the Town, and by posting the same as required by law. The Board of Selectmen must take action on the proposed ordinance within fourteen (14) days after said public hearing.

(B) Copies. Copies of any proposed ordinance or amendment to an ordinance shall be made available for public inspection at the Town Clerk's office at least five (5) days in advance of any public hearing thereon.

(C) Substantive Changes. If substantive changes are made in any proposed ordinance or in any proposed amendment to an ordinance subsequent to the public hearing, a second public hearing, to be held in accord with subsections (A) and (B) above, shall be held on such proposed changes, prior to final action by the Board of Selectmen.

(D) Filing. Every ordinance or amendment to an ordinance after passage, shall be filed with the Town Clerk and recorded, compiled and published by the Town Clerk as required by law.

## **CHAPTER 5 SECTION 5.2 cont.**

(E) **Publication.** Within ten (10) days after final passage, a summary of each ordinance, amendment or repeal of an ordinance shall be published in a newspaper having general circulation within the Town and posted as required by law. The entire ordinance, amendment or repeal of an ordinance shall be posted at the Town Hall and, when practicable, on the Town's website.

(F) **Effective Date.** Each such ordinance, amendment to or repeal of an ordinance shall become effective on the thirtieth (30<sup>th</sup>) day after publication, unless a petition for overruling the action of the Board of Selectmen on such ordinance is filed with the Town Clerk in accordance with Chapter 10. In the event that such petition is filed and the Town Meeting does not overrule the action of the Board of Selectmen, such ordinance, amendment or repeal shall become effective on the day following said Town Meeting vote.

### **Section 5.3 EMERGENCY ORDINANCES**

(A) **Emergency Ordinances.** When there exists circumstances which threaten the lives, health or property of the inhabitants of the Town, a majority of the Board of Selectmen present and voting may declare that a state of Public emergency exists. On such declaration, the Board of Selectmen may, by a majority vote of those members present, enact ordinances to meet such emergency without regard to the requirements of Section 5.2. Emergency ordinances shall be so designated and shall state the facts constituting the public emergency. Any expenditure to be made pursuant to said emergency ordinances shall be made in accordance with the provisions of Section 9.6(E) of this Charter.

(B) **Effective Date, Duration.** Emergency ordinances shall become effective immediately upon enactment. Every such ordinance shall automatically stand repealed at the termination of the thirtieth (30<sup>th</sup>) day following enactment of said ordinance unless action has been initiated to make the emergency ordinance a permanent ordinance under the provisions of Section 5.2, in which event such emergency ordinance shall remain in full force and effect until final action is taken on the permanent ordinance.

(C) **Publication.** Emergency ordinances shall be published in conformance with the applicable General Statutes, as amended from time to time.

## **CHAPTER 6**

### **CHAPTER 6.**

#### **FIRST SELECTMAN**

##### **Section 6.1 GENERAL**

The First Selectman shall be the chief executive officer of the Town. The First Selectman shall be a voting and participating member of the Board of Selectmen and shall preside at all meetings of said Board. The First Selectman or his or her designee (who must be a Selectman) shall be an ex-officio member of all other Town commissions, boards, agencies, and committees.

##### **Section 6.2 POWER AND DUTIES**

The First Selectman shall have all powers, duties and responsibilities conferred upon that office by the General Statutes, applicable special acts, ordinances, resolutions and policies voted by the Town Meeting, the Board of Selectmen and by this Charter. The First Selectman shall guide the Board of Selectmen in the discharge of its duties and responsibilities.

##### **Section 6.3 DELEGATION OF DUTIES**

To assist in the discharge of the duties and responsibilities of his office and of the Board of Selectmen, the First Selectman may assign and delegate duties to Selectmen and to such commissions, boards, agencies and offices which are appointed by the First Selectman and/or the Board of Selectmen.

##### **Section 6.4 DEPUTY FIRST SELECTMAN**

At the first meeting of the Board of Selectmen after they assume office, the Board shall select a Deputy First Selectman from the members of the Board of Selectmen. The Deputy First Selectman shall fulfill the duties and responsibilities of the First Selectman in the First Selectman's absence or disability.

## CHAPTER 7

### CHAPTER 7.

#### APPOINTED COMMISSIONS, BOARDS AND AGENCIES

##### Section 7.1 COMMISSIONS, BOARDS, AGENCIES

(A) There shall be the following appointed commissions, boards and agencies for the Town:

- Board of Fire Commissioners
- Conservation Commission
- Economic Development Commission
- Inland Wetlands Commission
- Library Board
- Temporary Public Building Commission
- Senior Citizens Commission

##### (B) GENERAL POWERS AND DUTIES

All appointed Town commissions, boards, agencies and officers shall have all the powers and duties, not inconsistent with and conferred or imposed thereon by the General Statutes, by this Charter, or by ordinance.

##### (C) COMMENCEMENT AND DURATION OF TERM

The term of office of any person serving on any appointed Town commission, board, agency shall be deemed to commence as of July 1 in the year such appointment is to be made, or as soon thereafter as the appointment is made and the person so appointed is qualified, and shall continue until June 30 of the year in which said term of office expires or until a successor there to is duly appointed and qualified, whichever shall occur later in time.

##### Section 7.2 APPOINTMENT TO COMMISSIONS, BOARDS AND AGENCIES

All members of appointed commissions, boards and agencies shall be appointed by the Board of Selectmen by a majority vote of the entire Board.

##### Section 7.3 MEMBERSHIP

(A) All members of appointed boards and commissions must be electors of the Town of Bolton. Any person who is an elector of the Town at the time of his appointment to any Town commission, board or agency and thereafter ceases to be an elector of the Town, shall be deemed to have vacated the position to which he has been appointed at such time that he ceases to be an elector of the Town.

**CHAPTER 7 SECTION 7.3 cont.**

(B) Any person appointed to a Town commission, board or agency shall possess such qualifications and devote such time as is necessary to carry out his duties as a member of such commission, board or agency.

(C) A member or alternate member of an appointed board or commission shall be deemed to have resigned his position when that member fails to attend one-half (½) of the board or commission's meetings in the course of any fiscal year. The board or commission's chairman shall notify the Board of Selectmen of such vacancy.

1. The Board of Selectmen shall send by certified mail a letter notifying the member of his resignation and shall notify the board or commission chairman of such action.

(D) Vacancies. Any vacancy in any appointed position on a Town commission, board or agency, from whatever cause arising, shall be filled by the appointing authority, subject to the provisions of Chapter 11 of this Charter, and subject to the approval of the Board of Selectmen. Where the appointing authority is a Town commission, board or agency, such vacancy shall be filled at a regularly scheduled meeting of said appointing authority. Appointed board and commission vacancies will be filled as follows: the Board of Selectmen shall make an automatic offer to an alternate to fill the vacancy. Said vacancy shall be filled by an alternate with the same affiliation as the member who created the vacancy. If no such alternate exists, or if no such alternate is willing to fill the vacancy, the Board of Selectmen will make the appointment as otherwise permitted or required by law.

(E) Term of Appointment. Persons appointed to fill vacancies in said positions shall serve for the unexpired portion of the term vacated if such position has a fixed term or shall serve at the pleasure of the appointing authority in the event no fixed term is provided for such position.

(F) Reporting. All vacancies shall be reported, in writing, to the Town Clerk by the appointing authority, in case of a Town office, or by the chairman or head of a Town commission, board or agency, within thirty (30) days of receipt of notice of same.

**Section 7.4 APPOINTED COMMISSIONS, BOARDS, AND AGENCIES:  
MEMBERSHIP, TERMS, ADDITIONAL POWERS, AND DUTIES**

(A) Conservation Commission. The Conservation Commission shall consist of no less than five (5) members and one (1) alternate, each of whom shall serve a term of three (3) years. One or two members shall be appointed annually to succeed the member(s) whose term of office expires in that year. The alternate shall attend meetings and vote in the stead of any regular member not present at a particular meeting. Said Commission shall oversee the development, supervision, regulation and conservation of natural resources,

## **CHAPTER 7 SECTION 7.4 cont.**

including water resources, in the Town as prescribed by Section 7-131a of the General Statutes and such other responsibilities as may be assigned by this Charter. Said Commission's input may be sought regarding policies and procedures relative to the development, regulation and maintenance of Town parks.

(B) Board of Fire Commissioners. The Board of Fire Commissioners shall consist of no less than five (5) members each of whom shall serve a term of five (5) years on a staggered basis with one such member being appointed each year to succeed the member whose term of office expires in that year. Said board shall have all the powers and duties prescribed for a Board of Fire Commissioners in the General Statutes, including specifically the authority to enter into an agreement with one volunteer fire company within the Town for the protection thereof from fire and for the provision of such emergency services as shall be necessary for the health and safety of the inhabitants of the Town on such conditions as to financial assistance and the observance of regulations as the Board of Fire Commissioners shall require. Such agreement shall be subject to the approval of the Board of Selectmen. In the event that fire protection and/or emergency services are provided by a volunteer fire company, no more than two (2) members of such company or any affiliated organization of such company shall be permitted to serve on the Fire Commission at one time. The Fire Chief and Deputy Fire Chief of such volunteer fire company shall be nominated and elected by the members of the volunteer fire company and approved by the Fire Commission by a majority vote of the entire Commission.

(C) Library Board. The Library Board shall consist of no less than five (5) members each of whom shall serve a term of four (4) years with two or five members appointed biennially to succeed the members whose term of office expires in such year. The Board shall be responsible for the management of the Bentley Memorial Library and any other Town Library facilities excluding Board of Education facilities, funds and equipment related thereto; shall establish rules and regulations for the conduct of the library's business and for the provision of services to the inhabitants of the Town; and may enter into inter-town and regional library compacts in the manner and to the extent prescribed by the General Statutes.

(D) Temporary Public Building Commission. The Board of Selectmen shall appoint a Temporary Public Building Commission (TPBC) to review and advise the Board of Selectmen on any proposed public building project, including new structures, additions to or modification (including demolition and disposal) of existing structures, and all appurtenant facilities, which have an expected cost of \$250,000 or greater, with the exception of proposed modifications by Town property lessees which lease shall govern the rights of the parties thereto. The TPBC may establish and recommend preferred site selection options for the building project, establish architectural requirements, functional specifications, a construction plan, and schedule the project. With Board of Selectmen approval, it may be involved in contract awards and the employment of professional and supervisory personnel. In discharging these responsibilities, the TPBC shall receive

## CHAPTER 7 SECTION 7.4 cont.

timely assistance from Town staff as needed, as well as timely project financial data from the Board of Selectmen at intervals, and in the level of detail, which support effective project management. The TPBC shall consist of five (5) members and two (2) alternates and, notwithstanding any provision of Section 5.1(C)2 to the contrary, shall remain in effect until the completion of the building project or eighteen months whichever is less.

(E) Senior Citizens Commission. The Senior Citizens Commission shall consist of no less than five (5) members, one of whom may be the Municipal Agent for Assistance to the Elderly and shall serve a term of two (2) years; and the remainder of the Commission shall serve a term of four (4) years on a staggered basis. The Board of Selectmen shall appoint a member annually to succeed the member whose term of office expires in that year. The committee shall be responsible for policies and procedures relative to the needs of the Town's senior citizens.

(F) Economic Development Commission. The Economic Development Commission shall consist of no less than five (5) members, each of whom shall serve a term of four (4) years and be appointed by the Board of Selectmen. The commission shall be responsible for policies and procedures relative to the economic development of the Town of Bolton.

(G) Inland Wetlands Commission. A separate Inland Wetlands Commission is hereby appointed and authorized to act as the Inland Wetland Agency by the Town of Bolton. The Inland Wetlands Commission shall consist of five (5) members and one (1) alternate, each of whom shall serve a term of three (3) years. One or two members shall be appointed annually to succeed the member(s) whose term of office expires in that year. The alternate shall attend meetings and vote in the stead of any regular member not present. Members are appointed by the Board of Selectmen. Said commission shall oversee the development, supervision and enforcement of state wetlands regulations within the Town of Bolton; adopt local program regulations and a map showing the general location of regulated areas within the Town; evaluate the impacts of proposed activities on wetlands and watercourses; carry out the purposes and policies of Sections 22a-36 to 22a-45 of the Connecticut General Statutes relating to regulating, licensing and enforcement of the provisions thereof, carry out and effectuate the purpose and policies of Connecticut General Statutes Sections 22a-36 to 22a-45; define local needs and goals for wetland protection; prudently manage the activities within wetland and watercourse boundaries in the Town of Bolton; said commission shall exercise all incidental powers including but not limited to the issuance of orders necessary to enforce rules and regulations and carry out the purposes of Sections 22a-36 through 22a-45; encourage, participate in or conduct studies, investigations and research with regard to wetlands in the Town; grant, deny, limit or modify in accordance with the provisions of state regulations an application for a license or permit for any proposed regulated activity within Bolton; conduct public hearings as necessary on relevant wetland issues and applications.



## **CHAPTER 8**

### **CHAPTER 8.**

#### **FINANCE AND TAXATION**

##### **Section 8.1 FISCAL YEAR**

The fiscal year of the Town shall begin on the 1st day of July and shall end on the 30th day of June.

##### **Section 8.2 AUDITS**

(A) Annual Audit. The Board of Finance shall annually appoint an independent public accountant or firm of independent public accountants to audit the books and accounts of the Town as provided in the General Statutes. The auditor may make recommendations for improvements in the method of keeping the Town records, but such recommendations shall not become effective until accepted by the Board of Finance in consultation with the Board of Selectmen.

(B) Special Audits. The Board of Finance may call for a special audit upon the death, resignation or removal of a Town official or in cases of malfeasance. The Board of Selectmen may request the Board of Finance to call for a special audit for due cause.

##### **Section 8.3 TREASURER**

The Town Treasurer shall have all the powers and perform all the duties that are vested by the General Statutes in Town Treasurers. The Treasurer shall report quarterly and upon request, all revenues, investments and expenditures to the Board of Selectmen and to the Board of Finance, which may make appropriate recommendations thereafter. The Board of Selectmen may appoint a Deputy Treasurer who shall perform such duties as may be required by the Board of Selectmen and shall have all the powers and duties of the Treasurer in the event of the Treasurer's absence or disability.

##### **Section 8.4 PREPARATION OF THE BUDGET AND CAPITAL IMPROVEMENT REPORT**

The Annual Budget process will be presented in four sections: Board of Selectmen section; Board of Education section; Board of Finance section that shall include the Contingency Fund and Debt Service; and the Capital Improvement section prepared by the Board of Selectmen.

(A) Financial Plan.

No sooner than the first (1<sup>st</sup>) day of October and no later than the fifteenth (15<sup>th</sup>) day of November of the current fiscal year, the First Selectman shall convene a meeting of the

## **CHAPTER 8 SECTION 8.4 cont.**

Boards of Selectmen, Education, and Finance to discuss financial policies and revenue and expenditure projections for the ensuing fiscal year and the subsequent two (2) fiscal years. Capital improvements for the ensuing fiscal year and the subsequent four (4) years will also be discussed. Any major changes from the current fiscal year in financial policies, expenditures and revenues, and capital improvements with the reasons for such changes will be documented in a budget message.

### **(B) Duties of the Board of Selectmen on the Budget.**

1. Once each year, at such time and in such manner as the Board of Selectmen may require, every commission, board, agency and office supported wholly or in part by Town revenues, or for which a specific appropriation is or may be made, excluding the Board of Education, shall present to the Board of Selectmen an itemized estimate of all the revenues, other than Town appropriations, to be received and all the expenditures to be made by such commission, board, agency or office, for the ensuing fiscal year. The estimates shall be accompanied by such other reports and information as the Board of Selectmen may require. The Board of Selectmen shall examine the estimates and other reports and prepare a proposed budget.

2. Once each year, at such time and in such manner as the Board of Finance may require, the Board of Selectmen shall present to the Board of Finance the itemized estimates of all the revenues to be received. In addition on or before March 15<sup>th</sup>, the Board of Selectmen shall present to the Board of Finance the operating budget estimate for the Board of Selectmen and the Capital Budget with the Capital Reserve portion prepared in accordance with Section 9.7.

### **(C) Duties of the Board of Education on the Budget. .**

Each year on or before March 15, the Board of Education shall submit to the Board of Finance its estimate of receipts and expenditures for the coming fiscal year. Such operating budget estimates shall be in the form prescribed by the State Board of Education, and shall include such additional information as may be required by the Board of Finance.

### **(D) Duties of the Board of Finance on the Budget.**

1. The Board of Finance may afford for the purpose of clarification each commission, board, agency and office an opportunity to be heard on the proposed budget of such commission, board, agency or office. The Board of Finance may then revise the operating budget estimate provided by the Board of Selectmen and the operating budget estimate provided by the Board of Education. The Board of Finance will then prepare a proposed budget with the Board of Selectmen operating budget estimate, the Board of Education operating budget estimate, the contingency fund and debt service estimate, and the capital improvement estimate. In revising the operating budget estimate and capital

## CHAPTER 8 SECTION 8.4 cont.

budget estimate provided by the Board of Selectmen, the Board of Finance will only have the authority to change the total appropriation requested by the Board of Selectmen for each of these two items.

2. The Board of Finance shall hold one or more public hearings on the proposed budget no later than the first (1<sup>st</sup>) of May. Notice of such hearing or hearings shall be given by publication of such notice in a newspaper of general circulation in the Town at least five (5) days before such hearing.

3. The Board of Finance shall have sufficient copies of the operating budgets, contingency fund, debt service, and capital improvement budget and report available at the Town Clerk's office at least five (5) days in advance of the public hearing. The budget and the Capital Improvement Report shall include but not be limited to, the following items:

- (a) an itemized statement of revenues by major sources presenting in parallel columns:
  - i) the revenues collected in the last completed fiscal year;
  - ii) the original revenue estimate for the current fiscal year;
  - iii) the revenues estimated to be collected during the current fiscal year; and
  - iv) estimates of revenues, other than the property tax, to be collected in the ensuing fiscal year;
- (b) a line item statement for each commission, board, agency or office by major function in parallel columns:
  - i) all expenditures for the preceding completed fiscal year;
  - ii) all original appropriations for the current fiscal year;
  - iii) all estimated expenditures for the current fiscal year; and
  - iv) the proposed budget expenditures for the next fiscal year;
- (c) an appropriation for a contingency fund in an amount not to exceed two percent (2%) of the total estimated expenditures for the current fiscal year;
- (d) an estimate of the available cash surplus or deficit at the end of the current fiscal year;

## CHAPTER 8 SECTION 8.4 cont.

(e) a report on the capital improvements, including the acquisition of land, to be undertaken for improvement of Town and school facilities for the ensuing fiscal year and the next four (4) fiscal years.

4. After holding the final public hearing, the Board of Finance shall, by resolution adopted by an affirmative vote of at least four (4) members, approve a budget. The Board of Finance shall file the approved budget with the Town Clerk at least five (5) days prior to the Annual Budget Referendum on such budget.

5. Should the Board of Finance fail to approve a budget by the end of the tenth (10th) day of May, the budget as transmitted by the Board of Selectmen and the Board of Education in accordance with Sections 9.4 (B) and 9.4 (C) of this Charter shall be deemed to have been approved by the Board of Finance and the same shall be filed with the Town Clerk for consideration at the Annual Budget Referendum.

### Section 8.5 ADOPTION OF THE BUDGET

(A) The Annual Budget Referendum.

The proposed budget, as recommended by the Board of Finance, shall be presented to the Annual Budget Referendum to be held not later than the twenty-fifth (25<sup>th</sup>) day of May.

(B) Annual Budget Referendum Action.

1. The annual budget shall become effective only after it has been approved by the Board of Finance or in accordance with the provisions of Section 9.4 (D)-5 of this Charter, and adopted by an annual referendum.

2. The Annual Budget Referendum may adopt, reject, but cannot increase the budget or any portion thereof as approved or deemed to have been approved by the Board of Finance. The adoption of the budget by the Annual Budget Referendum shall be deemed to constitute the appropriation to each commission, board, agency and office.

3. The Board of Finance shall give the Town Clerk written notice of the question to be voted upon at least five (5) business days before the date of the annual budget referendum. Absentee ballots shall be available not less than four (4) business days of the date of the referendum. Legal notice of the referendum shall be given when written notice of the question is received by the Town Clerk. The budget referendum shall, in general, be conducted according to the statutory requirements of a referendum with fewer than three (3) weeks notice. Electors and qualified property owners shall be permitted to vote at the budget referenda.

**CHAPTER 8 SECTION 8.5 cont.**

(C) Failure to Adopt the Budget.

1. In the event that the budget is rejected by the Annual Budget Referendum, additional Annual Budget Referenda shall automatically be held in succeeding intervals, in a manner deemed appropriate by the Board of Selectmen, of no less than seven (7) and no more than twenty-one (21) days until such time as a budget is approved by a majority vote. Each time a budget is rejected, the Board of Finance in consultation with the Board of Selectmen and/or Board of Education shall forthwith reduce the total budget. In reducing the total budget, the Board of Finance may revise the total appropriation for each of the following: the Board of Selectmen operating budget, the Board of Education operating budget, the contingency fund, the debt service, and the capital improvement budget. In revising the budget after any Budget Referendum, the Board of Finance may only recognize revenue changes that resulted from errors or omissions, current estimates of surplus, and clerical errors. Summaries of the revised budget shall be available before the next Referendum on the Annual Budget is held.

2. If the Budget Referendum fails to approve a budget by the start of the ensuing fiscal year, a temporary operating budget will be utilized.

(D) In the event the budget is not approved by the start of the ensuing fiscal year, the Board of Finance shall meet and set a temporary tax rate at a rate no higher than the mill rate for the previous year. The Tax Collector shall forthwith issue tax bills, subject to an appropriate credit or refund, in the event the final mill rate as set is less than previously set by the Board of Finance pursuant to this section. In the event that the mill rate exceeds the temporary mill rate, the Tax Collector shall be empowered to issue a supplemental tax bill during the fiscal year.

(E) Levy and Collection of Taxes. Following approval of the annual budget, the Board of Finance shall meet and establish the tax rate on the taxable property of the Town sufficient, in addition to the other estimated yearly income of the Town and with due provision for estimated uncollectible taxes, abatements and corrections, not only to pay the expenses of the Town but also to absorb any deficit at the beginning of the ensuing fiscal year. It shall then be the duty of the Tax Collector to mail to each taxpayer a tax bill. Except as otherwise specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on in accordance with the General Statutes. In the event additional revenues become available to the Town after approval of the budget, the Board of Finance may apply the additional revenue to reduce the mill rate.

## CHAPTER 8 SECTION 8.6

### Section 8.6 SPECIAL APPROPRIATIONS AND TRANSFERS OF APPROPRIATIONS

#### (A) Transfers of Appropriations - Board of Education.

The Board of Education may transfer unexpended balances from one account to another within its total appropriation in accordance with the General Statutes.

#### (B) Transfers of Appropriations - Town Boards, Commissions, Agencies and Officers.

Any commission, board, agency or office may transfer unexpended balances from one account to another within their total appropriation. They shall make written request to the Board of Selectmen for approval of such transfers. The Board of Selectmen shall act on such requests within forty-five (45) days of receipt of such request. Upon approval and transfer, written notice of such transfers shall be furnished within four (4) business days to the Board of Finance.

#### (C) Supplemental Appropriations - Board of Finance Action.

1. The Board of Education shall submit all requests for supplemental appropriations in writing to the Board of Finance for action.

2. All requests for supplemental appropriations by any commission, board, agency or office, excluding the Board of Education, shall be made in writing to the Board of Selectmen. The Board of Selectmen shall submit such written requests along with any comments or recommendations to the Board of Finance for action within forty-five (45) days of receipt of same.

3. Any supplemental appropriation requested by a commission, board, agency and/or office may be acted upon by the Board of Finance, without regard to the number of supplemental appropriations previously approved for that commission, board, agency or office, provided that the current request, when considered either by itself, or when added to supplemental appropriations previously approved during the current fiscal year for said commission, board, agency or office does not exceed \$20,000.

4. The Board of Finance may approve, lower or reject, but may not increase the amount of any supplemental appropriation upon which it is acting. The Board of Finance shall act on all requests for supplemental appropriations, and/or transfers within forty-five (45) days of receipt of such request.

5. The Board of Finance shall pass on to a Special Town Meeting for final action, supplemental appropriations exceeding \$20,000 and supplemental appropriations of less than \$20,000 which, when added to supplemental appropriations previously approved in

**CHAPTER 8 SECTION 8.6 cont.**

the current fiscal year for a particular commission, board, agency or office, exceed \$20,000.

(D) Supplemental Appropriations - Town Meeting Action.

1. Special Town Meeting may approve, lower or reject but cannot increase a supplemental appropriation properly brought before it, provided, however, that a referendum shall be required if the requested supplemental appropriation is greater than one-quarter of one percent (0.25%) of the last approved grand list and the source of funds is other than the Reserve Fund For Capital and Nonrecurring Expenditures. When referendum is required and the source of funding is borrowing, both the supplemental appropriation and the proposed borrowing shall be included on the ballot for voter consideration.

2. Supplemental appropriations which are rejected by the Board of Finance may be brought to Town Meeting for approval, reduction or rejection pursuant to the procedures and voting requirements of Section 10.5 of this Charter.

(E) Emergency Appropriations.

The Board of Selectmen, acting pursuant to a declaration of a state of emergency, shall be empowered to make appropriations for the purposes of meeting a public emergency threatening the lives, health or property of citizens, provided such appropriations shall receive a favorable vote of at least two-thirds (2/3) of the members present of the Board of Selectmen. Written notification of such appropriations shall be given within four (4) business days to the Board of Finance at its Town address and a copy thereof posted as required by law.

**Section 8.7 RESERVE FUND FOR CAPITAL AND NONRECURRING EXPENDITURES**

(A) General Purpose. There shall continue to be a reserve fund for capital and nonrecurring expenditures which shall be called the Reserve Fund For Capital and Nonrecurring Expenditures for the purpose of this Charter. Said fund shall be used for capital and nonrecurring expenditures to provide for the planning, construction, reconstruction and/or the acquisition of any capital improvement, including land, or the acquisition of any specific item of equipment of such category, character or nature as not to be a purpose or object for which an appropriation is customarily made annually.

(B) Capital Acquisition Planning and Allocation (CAPA) Committee. No later than thirty (30) days following the joint meeting held in accordance with Section 9.4 (A), the First Selectman shall convene a meeting of the Capital Acquisition Planning and Allocation (CAPA) Committee. The Committee shall consist of six (6) members: the First Selectman, one (1) additional Selectman, one (1) member of the Board of Finance,

## CHAPTER 8 SECTION 8.7 cont.

two (2) members of the Board of Education, and one (1) member from the public at large chosen unanimously by the other five (5) CAPA members. It shall be the duty of the CAPA Committee to assemble a list of capital projects to be funded in the ensuing fiscal year and a list of anticipated projects for the following four (4) fiscal years. Such report shall be submitted to the Board of Selectmen by January 31 as the proposed Capital Budget for the Board of Selectmen to accept, modify or reject. The Board of Selectmen in consultation with the Board of Education shall submit a Capital Budget to the Board of Finance as part of the overall budget no later than March 15.

### (C) Operation of the Fund.

1. Upon recommendation of the Board of Finance and approval of the Annual Budget Referendum or at a Town Meeting, and subject to any minimum funding requirement or any aggregate limit on the Reserve Fund For Capital and Nonrecurring Expenditures, there shall be paid into the Reserve Fund For Capital and Nonrecurring Expenditures the following amounts:

(a) amounts authorized to be transferred thereto from the general fund cash surplus available at the end of any fiscal year, and

(b) amounts raised by the annual levy of a tax of not less than one (1) mill, or more than four (4) mills for the benefit of the Reserve Fund For Capital and Nonrecurring Expenditures, and for no other purpose, such tax to be levied and collected in the same manner and at the same time as the regular annual taxes of the Town.

2. The Board of Finance shall act on all requests for project appropriation requests for the Reserve Fund For Capital and Nonrecurring Expenditures within forty-five (45) days of receipt of such request.

3. Upon recommendation of the Board of Finance, any project appropriation request for the Reserve Fund For Capital and Nonrecurring Expenditures shall be passed on to a Town Meeting for approval unless the project appropriation is adopted as part of the Annual Budget Referendum. Upon approval by a Town Meeting or Annual Budget Referendum, the Board of Selectmen may use the project appropriation for the financing in full or in part of the project. If the recommendation of the Board of Finance is to disapprove a project appropriation request for the use of the whole or any part of this fund, such request may be brought to Town Meeting for approval, reduction or rejection of such request pursuant to the procedures and voting requirements of Section 10.5 of this Charter. No project appropriation of less than \$10,000 may be included in the Reserve Fund For Capital and Nonrecurring Expenditures.



## **CHAPTER 8 SECTION 8.7 cont.**

(D) Termination of Appropriations from the Reserve Fund For Capital and Nonrecurring Expenditures. If any authorized appropriation is set up pursuant to Section 9.7 (C)-3 and through unforeseen circumstances the completion of the project or acquisition for which such appropriation has been designated as no longer feasible, upon recommendation of the CAPA Committee; approval by the Board of Selectmen; recommendation of the Board of Finance; and approval of Town Meeting, such appropriation shall terminate and may be transferred to another approved project.

(E) Control of Fund. The Board of Selectmen and any Town officers who may be authorized to administer the Reserve Fund For Capital and Nonrecurring Expenditures shall have such further powers prescribed by the General Statutes as shall be necessary to administer the Reserve Fund For Capital and Nonrecurring Expenditures.

(F) Discontinuance of Reserve Fund For Capital and Nonrecurring Expenditures. Upon recommendation by the Board of Selectmen and Board of Finance, and upon approval at Town Meeting, said Reserve Fund For Capital and Nonrecurring Expenditures shall be discontinued and said fund shall be converted into, or added to, a sinking fund to provide for the retirement of the Town's non-serial bond indebtedness. If the Town has no bond indebtedness at such time, such fund shall be transferred to the General Fund of the Town.

### **Section 8.8 BORROWING**

(A) Authority. The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes and Federal laws and regulations, subject to the limitations thereof and the provisions of this Charter.

(B) Borrowing Limits.

1. The Board of Selectmen, with approval of the Board of Finance, shall have the power to borrow funds and authorize the issuance of notes in accordance with General Statute 7-405a up to an aggregate amount of \$250,000.

2. In the event the Town is operating on a temporary budget in accordance with Section 9.5 (C)-2 of this Charter, the Board of Selectmen and Treasurer shall be empowered to borrow the funds necessary to continue the operation of the Town while the temporary budget is in effect, without approval of the Board of Finance, and the aggregate limit of \$250,000 shall not apply.

3. Any borrowing and any issuance of bonds or notes, other than as authorized in paragraphs one and two above, shall require a favorable vote at Town Meeting. If, however, this borrowing is greater than one-half of one percent (0.5%) in the aggregate of the last approved grand list, such borrowing shall require a favorable vote at Town referendum.

## CHAPTER 8 SECTION 8.8 cont.

### (C) Other Provisions.

1. In the event that the Board of Finance shall determine that any nonrecurring expenditure included in the annual budget is of so large an amount that the tax levied to pay it would make the total tax so high that in the judgment of the Board of Finance it would be inconsistent with the public welfare, the Board of Finance may authorize, subject to the vote of a Town Meeting or referendum if required under Section 9.8 (B)-3 of this Charter, borrowing such amount and the issuance of notes to be repaid over a period of not more than five (5) years in accordance with the provisions of the General Statutes.

2. All notes or bonds issued by the Town shall be executed and delivered by the First Selectman and the Treasurer.

### Section 8.9 EXPENDITURES AND ACCOUNTING

(A) Regulations with respect to accounting and expenditures, subject to the Board of Selectmen's approval and excluding the bidding process, may be adopted and amended by vote of the Board of Finance. Such regulations shall be consistent with this Charter and with the statutory powers and duties of other Town commissions, boards, agencies and offices.

(B) The system of accounts used by Town agencies shall be that required by the General Statutes as supplemented by regulations as referenced in Section 9.9 (A).

(C) The Board of Finance shall keep under review the revenues and expenditures of all Town commissions, boards, agencies and offices as well as the Board of Education and may, by regulations, require periodic reports thereof.

(D) The regulations referenced in Section 9.9(A) may also designate the forms and procedures for orders to be drawn on the Treasurer by the Board of Education and the Board of Selectmen.

(E) The Board of Finance shall assemble, compile and publish the annual report of the Town for the preceding fiscal year by the first (1<sup>st</sup>) of February of the current fiscal year.

### Section 8.10 ADDITIONAL ITEMS

(A) Other Capital Projects. Appropriations for construction or acquisition of capital improvements, including land, from whatever source except from the Reserve Fund For Capital and Nonrecurring Expenditures, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. Any construction or acquisition of capital improvements, including land, which is funded from a source other

**CHAPTER 8 SECTION 8.10 cont.**

than the Reserve Fund For Capital and Nonrecurring Expenditures shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrance of the appropriation therefore. Any other annual appropriation or portion thereof, remaining unexpended and unencumbered at the end of a fiscal year shall lapse.

(B) Spending Authorizations. No member of any commission, board or agency and no officer of the Town shall expend any funds or enter into any contract which would oblige the Town to expend funds in excess of an approved appropriation. Any member of any commission, board, agency or any officer who obligates the Town to expend funds in excess of an approved appropriation, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town as provided in the General Statutes.

## CHAPTER 9

### CHAPTER 9.

#### TOWN MEETING

##### Section 9.1 GENERAL

(A) The Town Meeting shall have authority for final approval of those actions of the Town hereinafter enumerated, and when considering such action, said Meeting shall be deemed to be the legislative body of the Town.

(B) Persons eligible to vote at Town Meeting shall be the electors of the Town and all other persons entitled to vote at Town Meeting as prescribed in Section 7-6 of the General Statutes.

(C) Town Meeting shall be the Annual Town Meeting, or Special Town Meeting. Town Meeting action may be subject to referenda pursuant to the provisions of Section 10.4 of this Charter.

##### Section 9.2 ANNUAL TOWN MEETING

The Annual Town Meeting shall be held not later than the twentieth (20th) day of May to:

1. Hear Annual Reports from each Town Commission, Board, Agency, and Office;
2. To consider and act on such other business as the Board of Selectmen shall state in the call of the meeting.

##### Section 9.3 WHEN ACTION BY SPECIAL TOWN MEETING REQUIRED

A Special Town Meeting shall be required for approval of the following:

1. The issuance of bonds in accordance with Section 9.8 (B)-3 of this Charter,
2. Supplemental appropriation in excess of \$20,000 in accordance with Section 9.6 (C)-5 of this Charter;
3. Any appropriation to the Reserve Fund For Capital and Nonrecurring Expenditures, in accordance with Section 9.7 (C)-1 of this Charter and any appropriation from the Reserve Fund For Capital and Nonrecurring Expenditures, in accordance with Section 9.7 (C)-3 of this Charter;
4. Termination of appropriations from the Reserve Fund For Capital and Nonrecurring Expenditures in accordance with Section 9.7 (D) of this Charter;

## CHAPTER 9 SECTION 9.3 cont.

5. Initial application for state or federal grants involving a local financial share estimated to exceed one half of one percent (0.5%) of the total annual budget for the then current fiscal year;
6. Any purchase of real estate by the Town involving a purchase price in excess of \$20,000;
7. Any real estate sale or lease and/or lease option in which the Town is the lessee\lessor and involves a term in excess of three (3) years;
8. Proposals for municipal improvements disapproved by the Planning and Zoning Commission pursuant to the provisions of Section 8-24 of the General Statutes;
9. The discontinuance or abandonment of Town roads; and
10. Approval or rejection of teachers' contracts, and any other collective bargaining agreement or contract pursuant to the applicable provisions of the General Statutes.
11. Any item which the Board of Selectmen deems to be of sufficient importance to submit to Town Meeting.

Before the Board of Selectmen calls a Town Meeting on items listed in 10.3 1 through 4, the Board of Selectmen shall consult with the Board of Finance.

### Section 9.4 PETITION FOR A SPECIAL TOWN MEETING ON A NEW ITEM

- (A) The Board of Selectmen shall call a Special Town Meeting within twenty-one (21) days of the date of receipt by the Town Clerk of a petition signed by twenty (20) inhabitants qualified to vote in Town Meeting requesting that a new item be considered at a Special Town Meeting. The number of signatures required may be increased by an adopted ordinance.
- (B) Said petition shall clearly state the matter to be considered and acted upon at Town Meeting and shall conform to the requirements of Section 7-9 and 7-9a of the General Statutes.
- (C) The Board of Selectmen may hold one or more public hearings on such item prior to its submission to a Town Meeting.
- (D) The call of the Town Meeting on which such proposed item appears shall be examined by the Town Attorney before being submitted to the Special Town Meeting. The Town Attorney shall correct the form of such item for the purpose of avoiding repetition, illegalities and unconstitutional provisions, and to assure accuracy in its text

**CHAPTER 9 SECTION 9.4 cont.**

and references and clarity and preciseness in its phraseology, but not materially changing its meaning and effect.

(E) Affirmative action on the petitioned item shall require a majority vote of those qualified voters present and voting and there must be a quorum of at least one hundred fifty (150) persons eligible to vote at a Town Meeting in attendance.

**Section 9.5 SPECIAL TOWN MEETING FOR OVERRULE OF CERTAIN BOARD ACTIONS**

(A) The following actions by the Board of Finance and the Board of Selectmen shall be subject to overrule by a Special Town Meeting called by the Board of Selectmen subject to the applicable procedures and voting requirements in Section (B) hereof and Section 5.2:

1. The Board of Finance's rejection of a supplemental appropriation pursuant to this Charter,
2. The Board of Finance's refusal to appropriate funds from the Reserve Fund For Capital and Non-recurring Expenditures pursuant to this Charter,
3. The Board of Selectmen's adoption, amendment or repeal of any ordinance except emergency ordinances adopted pursuant to Section 5.3 of this Charter; or
4. The Board of Selectmen's refusal to adopt, amend or repeal any ordinance initiated pursuant to this Charter.

(B) Procedure for overrule of certain Board actions:

1. Within fourteen (14) days of an action by the Board of Selectmen or the Board of Finance listed in section (A) 1 through 3, a petition may be filed by any person eligible to vote at Town Meeting with the Town Clerk and such petition shall conform to the requirements of Section 7-9 and 7-9a of the General Statutes;
2. Said petition shall contain the full text of the overrule proposal and shall have the signatures of persons eligible to vote in Town Meeting equal in number to at least five percent (5%) of the electors of the Town on the last completed registry;
3. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Section 7-9 of the General Statutes;
4. The Town Clerk shall, within five (5) days after receipt of the last page of said petition, determine whether the petition and affidavits are sufficient as prescribed by law and, if so, certify said petition to the Board of Selectmen; and

## CHAPTER 9 SECTION 9.5 cont.

5. If, within thirty (30) days after said petition is certified by the Town Clerk, the Board of Selectmen or the Board of Finance fails to rescind such action which is the subject of said petition, then such overrule proposal shall be considered and acted upon at a Special Town Meeting to be called by the Board of Selectmen within sixty (60) days of the certification of said petition.

6. No overrule at such Special Town Meeting shall be effective unless a quorum of persons qualified to vote at Town Meeting equal in number to eight percent (8%) of the electors on the last completed registry shall be present and voting; and

7. No overrule at such Special Town Meeting shall be effective unless a majority of the qualified voters present and voting vote in favor of the overrule and said majority is equal to or greater in number than four percent (4%) of the electors on the last completed registry.

(C) Prior to such Special Town Meeting, the Board of Selectmen may hold such public hearings, following the procedures set out in this Charter, as the Board of Selectmen deems to be in the best interests of the Town.

### Section 9.6 PETITION FOR ENACTMENT, AMENDMENT OR REPEAL OF ORDINANCES

(A) The persons eligible to vote at Town Meeting per General Statute 7-6 and as provided in this Charter shall have the power to propose ordinances or the amendment or the repeal of existing ordinances in the following manner.

1. A petition may be filed by any person eligible to vote at Town Meeting with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Sections 7-9 and 7-9a of the General Statutes;

2. Said petition shall contain the full text of the ordinance proposed to be enacted, the proposed amendment to the ordinance to be enacted, or the ordinance proposed to be repealed and shall have the signatures of persons qualified to vote at Town Meeting equal in number to at least fifteen percent (15%) of the electors of the Town on the last completed registry;

3. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Sections 7-9 and 7-9a of the General Statutes;

4. The Town Clerk shall, within the time frame prescribed by Section 7-7 or the applicable provisions of the General Statutes, determine whether the petition and affidavits are sufficient as prescribed by law and, if so, certify said petition to the Board of Selectmen; and

## CHAPTER 9 SECTION 9.6 cont.

5. The Board of Selectmen shall hold a public hearing and make copies of the proposal available for public inspection as provided in Subsections 5.2 (A) and (B).

(B) If the Board of Selectmen adopts the proposed ordinance or amendment, or repeals the ordinance proposed to be repealed, such action shall become effective upon compliance with and subject to the provisions of Subsections 5.2.

(C) If the Board of Selectmen fails to take the action requested in said petition within thirty (30) days after the certification of the petition to the Board of Selectmen, then such refusal by the Board of Selectmen to take the action requested shall be subject to overrule at a Special Town Meeting which shall be called by the Board of Selectmen and held within sixty (60) days of the certification of said petition. Overrule at such Special Town Meeting is subject to the voting requirements in Section 10.5 (B) 6 and 7.

(D) If an action taken by a Board of Selectmen on an ordinance is overruled at a Special Town Meeting, that Board of Selectmen shall not take substantially the same action on that ordinance during the same term of office.

### Section 9.7 ACTIONS THAT REQUIRE REFERENDUM

(A) The following items shall be submitted to the Town at referendum:

1. Any supplemental appropriation greater than one-quarter of one percent (0.25%) of the last approved grand list, in accordance with Section 9.6 (D)-1;

2. Any borrowing greater than one-half of one percent 0.5% of the last approved grand list in accordance with Section 9.8 (B)-3;

3. Any item on the call of any Town meeting which, at the discretion of the Board of Selectmen, may be submitted by the Board of Selectmen to a vote by referendum not less than five (5) days prior to the date of such meeting;

4. Any item on the call of any Town Meeting wherein a petition is filed in accordance with Sections 7-7, 7-9 and 7-9a of the General Statutes;

5. A Town Meeting action subject to a valid petition for overrule submitted in accordance with Section 10.8; or,

6. The annual budget to be governed by Chapter 9 of this Charter.

(B) The Board of Selectmen shall fix the time and place of all referenda provided that the time within which a referendum must be held for each item set out in this section shall be as follows:



## CHAPTER 9 SECTION 9.7 cont.

1. Not less than seven (7) nor more than twenty-one (21) days after the Town Meeting at which such matter is introduced under items (A)-1, (A)-2, (A)-3, or (A)-4;

2. Not less than seven (7) nor more than twenty-one (21) days after the certification of the petition by the Town Clerk under item (A)-5.

(C) Notice of a referendum shall be given at least five (5) days in advance or, if held in conjunction with an election, as provided by the General Statutes for the notice of such election. Each referendum shall be conducted as provided by the General Statutes.

### Section 9.8 PETITION FOR OVERRULE OF TOWN MEETING ACTION

(A) The procedures for overrule of Town Meeting action shall be as follows:

1. Within seven (7) days after any Town Meeting action is taken, a petition may be filed by any person eligible to vote at Town Meeting with the Town Clerk and such petition shall conform to the requirements of Sections 7-9 and 7-9a of the General Statutes;

2. Said petition shall set forth the full text of the overrule proposal and shall have the signatures of persons eligible to vote at Town Meeting equal in number to at least ten percent (10%) of the electors of the Town on the last completed registry;

3. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Section 7-9 of the General Statutes; and

4. The Town Clerk shall, within five (5) days after receipt of the last page of said petition, determine whether the petition and affidavits are sufficient as prescribed by law and, if so, shall certify said petition to the Board of Selectmen.

(B) No overrule of such Town Meeting action shall be effective unless a quorum of persons qualified to vote at Town Meeting equal in number to ten percent (10%) of the electors on the last completed registry shall have voted at such referendum, and a majority of those voting shall have voted in favor of overrule.

(C) The effective date of any Town Meeting action shall be suspended upon the certification of a petition to the Board of Selectmen pursuant to Section 10.9.8 Such suspension of action shall remain in effect until final action on the proposed overrule is complete.

## CHAPTER 9 SECTION 9.9

### Section 9.9 PROCEDURE

All Town Meetings shall be called in accordance with Section 7-3 of the General Statutes, by action of the Board of Selectmen establishing the time and place of said meeting. Notice of such Town Meeting shall be given at least five (5) days in advance by publication in a newspaper having a general circulation in said Town, and by posting such other notices as required by law. Copies of all resolutions to be considered and acted upon at such meeting shall be available for public inspection at the Town Clerk's office at least five (5) days prior to said meeting. All Town Meetings shall be called to order by the Town Meeting Moderator and shall be conducted in accordance with the latest edition of Robert's Rules of Order, Revised. The Town Clerk shall serve as Clerk of the meeting. In the Town Clerk's absence, an acting Clerk shall be designated by the Town Meeting Moderator. Any Town Meeting may be adjourned from time to time as the interests of the Town may require. Unless otherwise provided by the General Statutes or this Charter, all actions at all Town Meetings shall be by majority vote of the eligible voters present and voting.

### Section 9.10 TOWN MEETING MODERATOR

(A) Town Meeting Moderator. The Town Meeting Moderator shall preside at all Town Meetings, shall develop programs to encourage and promote citizen participation at Town Meetings, and shall develop rules and procedures, consistent with the latest edition of Robert's Rules of Order, Revised for holding public hearings, for identifying persons eligible to vote at Town Meeting and for facilitating voting procedures.

(B) Absence; Disqualification. In the Town Meeting Moderator's absence or self-imposed disqualification, the Town Meeting shall elect a temporary moderator to preside at that particular meeting and any adjournment thereof.

## CHAPTER 10

### CHAPTER 10.

#### QUALIFICATIONS AND LIMITATIONS RE: SERVICE ON ALL BOARDS/ COMMISSIONS/ OFFICES

##### Section 10.1 MINORITY REPRESENTATION

Minority representation on any appointive or elective commission, committee, board, agency or similar body of the Town, except the Board of Selectmen, the Board of Education or any Charter Revision Commission shall be determined in accordance with the provision of Section 9-167a of the General Statutes.

Minority representation on the Board of Selectmen, Board of Education and on any Charter Revision Commission shall be determined in accordance with the provisions of Sections 9-188, 9-204b and 7-190 respectively of the General Statutes.

##### Section 10.2 INCOMPATIBLE OFFICES

(A) General. In accordance with Section 9-210 of the General Statutes, no Selectman shall hold the office of Town Clerk, Town Treasurer or Tax Collector concurrently; no Town Treasurer shall hold the office of Tax Collector concurrently; nor shall any Town Clerk or Selectmen be elected a Registrar of Voters, and no Registrar of Voters shall hold the office of Town Clerk, but may hold other elective or appointed offices.

(B) First Selectman. The First Selectman during his or her term of office shall not hold any other elected or appointed Town office, except that of Justice of the Peace.

(C) Assessor. No Assessor shall act as a member of the Board of Tax Review.

(D) Board of Finance. No member of the Board of Finance shall hold any salaried Town office.

(E) Planning and Zoning Commission. No member of the Planning and Zoning Commission shall serve on the Zoning Board of Appeals; no member of the Planning and Zoning Commission shall hold any salaried Town office except Registrar of Voters.

(F) Zoning Board of Appeals. No member of the Zoning Board of Appeals shall serve on the Planning and Zoning Commission.

##### Section 10.3 CONFLICTS OF INTEREST

It is the policy of the Town that any elected or appointed officer, any member of any commission, board or agency or any employee of the Town who has a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the

## **CHAPTER 10 SECTION 10.3 cont.**

Town or any commission, board or agency, shall disclose that interest to the Board of Selectmen which shall record such disclosure upon the official record of its meeting. Such disclosure of a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town, or any commission, board or agency shall disqualify such elected or appointed official or such member of the commission, board or agency or such Town employee from participating in the awarding, assignment or discussion of said contract, transaction or decision. Violation of this provision shall be grounds for removal of the offending officer, commission, board or agency member from office and such contract, transaction or decision shall be voidable by the Board of Selectmen following a public hearing or by a court of competent jurisdiction.

### **Section 10.4 OFFICIAL BONDS**

All officers as may be required to do so under the General Statutes or by ordinance and all employees as may be required to do so by the Board of Selectmen shall, before entering on their respective official duties, execute to the Town, in the form prescribed by the Board of Selectmen and approved by the Town Counsel, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Selectmen, conditioned upon the honest and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, a schedule position bond or blanket bond. Premiums for such bonds shall be paid by the Town.

## CHAPTER 11

### CHAPTER 11.

#### **ORGANIZATION OF THE BOARDS, MEETINGS AND RECORDS**

##### Section 11.1 ORGANIZATION MEETING

(A) Elected Commissions, Boards and Agencies. Each year, on or after the second Monday following the election but within 45 days of the election, each elected commission, board and agency shall hold an organization meeting and shall choose a chairman (except in the case of the Board of Selectmen where the chairman shall be the First Selectman) and vice chairman, and any other officers as such commission, board or agency deems necessary.

(B) Appointed Commission, Boards and Agencies. Each year, on or after July 1, but not later than thirty (30) days after all required appointments to a commission, board or agency have been made, such appointed commission, board or agency shall hold an organization meeting and shall choose a chairman and vice chairman, and such other officers as such commission, board or agency deems necessary.

##### Section 11.2 UNIFORM MEETINGS PROCEDURE

(A) Scope of Provision. This Section shall apply to all Town boards, commissions and agencies, including the Board of Education, which have a membership of at least three (3) members, regardless of whether such commission, board or agency is of a permanent or temporary nature, is appointed or elected, or meets at regular intervals. Nothing in this subsection shall be construed as precluding Town commissions, boards and agencies from adopting rules for the conduct of their business not inconsistent with the provisions of this Section.

(B) Meetings/Voting. The meetings of all Town commissions, boards or agencies shall be open to the public. Unless otherwise provided by the General Statutes or this Charter, all actions of any Town commission, board or agency shall be by simple majority vote of the entire membership of said Town commission, board or agency.

(C) Executive Session. At any meeting, a commission, board or agency may adjourn to executive session for one or more of the purposes described in Section 1-18a (e) and Section 1-19b of the General Statutes.

1. Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a Town officer or employee, provided that such individual may require that the discussion be held at an open meeting,

2. Strategy and negotiations with respect to pending claims and litigation;

**CHAPTER 11 SECTION 11.2 cont.**

3. Matters concerning security strategy or the deployment of security personnel or devices affecting public security;

4. Discussion of the selection of a site or the lease, sale or purchase of real estate by the Town where publicity regarding such project would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning said project have been terminated or abandoned; and

5. Discussion of any matter which would result in the disclosure of public records or the information contained therein described in Section 1-19b of the General Statutes.

(D) Minutes of Meeting. Minutes of all meetings of such commission, board or agency shall include, but not be limited to:

1. The date, time and place of such meeting,

2. Whether such meeting is a regular or special meeting and, if the latter, the purpose of such meeting;

3. The fact that the meeting had been duly called in accordance with the rules of the particular board, commission or agency;

4. The names of the members present at such meeting;

5. The name of the presiding Officer Executive Session, time going in, time coming out and purpose as per section 1-18a(e);

6. The presence or absence of a quorum, a quorum shall be defined as set forth in the latest edition of Robert's Rules of Order, Revised;

7. The items of business transacted at such meeting;

8. The vote on all action taken which may require a vote; and

9. The time of adjournment.

(E) Disposition of Minutes. A written record of the votes of each member of such commission, board or agency shall, in accordance with the General Statutes, be filed with the Town Clerk within forty-eight (48) hours, excluding any Saturday, Sunday, or Legal Holiday, of such vote and shall be filed in the appropriate book to be retained in the Office of the Town Clerk within seven (7) days after the date of such meeting.

(F) Access to Minutes. The minutes of Town commissions, boards, and agencies as filed with the Town Clerk's office shall be deemed to be public records and as such, shall be

## **CHAPTER 11 SECTION 11.2 cont.**

available for public inspection in accordance with, and subject to, the provisions of the General Statutes.

(G) Schedule of Meetings. All commissions, boards and agencies shall establish a schedule of regular meetings for the ensuing year before January 1st of each year and the Chairman and Secretary shall file such schedule with the Board of Selectmen and the Town Clerk not later than January 31st of each year. If at the annual organization meeting as required in Section 12.1 (A) and (B) of this Charter, any commission, board or agency establishes a different schedule of regular meetings, said schedule shall forthwith be filed with the Board of Selectmen and the Town Clerk.

(H) Special Meetings. Special Meetings may be called by the chairman or any two (2) members of any Town commission, board or agency. Whenever special meetings are called, the person or persons calling the meeting shall notify each member of said commission, board or agency of the date, time, place and purpose of the meeting and shall notify the Board of Selectmen and the Town Clerk in writing at least twenty-four (24) hours in advance of such special meeting so that such date may be posted for public information.

(I) Agenda. Each commission, board or agency may establish its own agenda for the transaction of its business; however, included in such agenda shall be a time for citizens of the Town who shall be entitled to express their views concerning matters properly within the jurisdiction of the particular commission, board or agency.

(J) Public Hearing. Whenever any board, commission or agency shall schedule a public hearing, as distinct from a regular or special meeting, on any particular subject, and provision for legal notice of such public hearing is not otherwise provided by law or this Charter, then legal notice of such public hearing shall be given in the same manner as required by the General Statutes with reference to Town Meetings.

## CHAPTER 12

### CHAPTER 12.

#### REMOVAL / RECALL

##### Section 12.1 SUSPENSION AND REMOVAL

(A) Except as otherwise provided by the General Statutes or this Charter, the Board of Selectmen shall have the power to suspend by an affirmative vote of three (3) members, and to remove for cause by an affirmative vote of four (4) members, any appointed Town officer or any member of any appointed Town commission, board or agency.

(B) The Board of Selectmen shall act first by suspending such person and shall promptly give such person written notice by certified mail or in-hand service, of such suspension. Said notice shall state the reasons for such person's removal and shall set forth such person's right, if acted upon within ten (10) days of the receipt of such notice of suspension, to make written request for a hearing before the Board of Selectmen and to be represented at said hearing by counsel.

(C) The Board of Selectmen shall then hold a hearing not less than five (5) nor more than twenty (20) days after receipt of a timely request for such hearing.

(D) Upon conclusion of the hearing or, if no hearing is requested, upon termination of the periods within which such person could request a hearing, the Board of Selectmen shall terminate the suspension and shall either restore such person to or remove such person from his or her office.

(E) During such period of suspension, such person shall be ineligible to perform the duties of his or her office.



## **CHAPTER 13**

### **CHAPTER 13.**

#### **TRANSITION AND MISCELLANEOUS PROVISIONS**

##### **Section 13.1 TRANSFER OF POWERS**

The powers and the duties under the General Statutes or any ordinance or regulation in force at the time this Charter shall take effect, which are conferred and imposed upon any commission, board, agency or office which is abolished by this Charter or superseded by the creation herein of a new commission, board, agency or office, shall be thereafter exercised and discharged by the commission, board, agency or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter.

##### **Section 13.2 CONTINUATION OF APPROPRIATIONS AND TOWN FUNDS**

All appropriations approved and in force, and all funds, including special or reserve funds in the name of the Town, at the time of the adoption of this Charter, shall remain in full force and effect unless and until the same be amended, transferred or abolished by the Board of Finance under the provisions of this Charter.

##### **Section 13.3 LEGAL PROCEEDINGS**

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any commission, board, agency or office thereof shall be affected or abated by the adoption of this Charter or by anything herein contained. All such actions or proceedings may be continued notwithstanding the fact that the functions, powers and duties of any commission, board, agency or office which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another commission, board, agency or office. In the event of such transfer, the action or proceeding shall be prosecuted or defended by the commission, board, agency or office to which such functions, powers and duties have been assigned or transferred.

##### **Section 13.4 EXISTING LAWS AND ORDINANCES**

As of the effective date of this Charter, all general laws and special acts applying to the Town, all ordinances and by-laws of the Town, and all rules and regulations of commissions, boards, agencies and offices of the Town shall continue in force, except insofar as they are inconsistent with the provisions of this Charter or are repealed.

##### **Section 13.5 REVIEW AND AMENDMENT OF CHARTER**

The Board of Selectmen shall appoint a Charter Study Committee consisting of a minimum of five (5) members to review the provisions of this Charter from time to time

## **CHAPTER 13 SECTION 13.5 cont.**

as it deems such review to be in the best interest of the Town, but not less often than once every five (5) years, said review to be published as part of the Annual Town Report. The amendment of this Charter may be initiated and carried out in accordance with the provisions of Chapter 99 of the General Statutes.

### **Section 13.6 SAVING CLAUSE**

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such ruling shall directly apply.

### **Section 13.7 EFFECTIVE DATE**

This Charter as revised shall become effective upon the approval of a majority of the Town electors voting thereon at the regular election on November 4, 2008 in accordance with the provisions of Chapter 99 of the General Statutes. This Charter Revision shall become effective on July 1, 2009 except those provisions pertaining to the November 8, 2011 Town election when the first set of officials to be elected under this Charter shall be elected.

### **Section 13.8 REFERENCES TO THE GENERAL STATUTES**

All references to the General Statutes made herein are to the General Statutes of Connecticut, Revision of 1958, as the same have been amended or repealed and reenacted, and as the same may be amended or repealed and reenacted hereafter.