

# **CHARTER**

## **TOWN OF NEWTOWN**

### **PREAMBLE**

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

### **CHAPTER 1**

#### **INTRODUCTION**

##### **1-01 INCORPORATION**

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

##### **1-10 RIGHTS, OBLIGATIONS AND ACTIONS CONTINUED**

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

##### **1-20 POWERS OF TOWN**

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

## **1-30 EFFECT OF CHARTER**

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

## **1-40 LEGISLATIVE BODIES**

The legislative bodies of the Town shall be the Legislative Council and the Town Meeting. All of the legislative power of the Town shall vest in the Legislative Council with the exception of those items specifically enumerated on which the Town Meeting is authorized to act.

## **1-50 CHIEF EXECUTIVE OFFICER**

The Chief Executive Officer shall be the First Selectman.

## **1-60 MANDATORY VOTING AT MEETINGS**

It shall be the duty of every member present at a Legislative Council, Board or Commission meeting to vote affirmatively or negatively on each question raised unless a member feels there is a conflict of interest, which would prevent him/her from voting. The reason for the conflict of interest need not be stated or made part of the record.

# **CHAPTER 2 ELECTIONS AND ELECTIVE OFFICES**

## **2-01 TOWN ELECTIONS**

(a) A meeting of the electors of the Town, hereinafter called "the regular Town Election", shall take place on the Tuesday after the first Monday of November of the odd numbered years during such hours as are established by the General Statutes. Special Town Elections may be called in accordance with the General Statutes.

(b) The regular terms of all elected officials shall commence on the December 1st following their election unless otherwise provided by a specific provision of this Charter or the General Statutes. Notwithstanding the provisions of any ordinances to the contrary, each elected official shall hold office until his/her successor is elected and has qualified.

## **2-10 VOTING DISTRICTS**

(a) The Town shall be divided and re-divided into voting districts in accordance with the General Statutes. The Registrars of Voters shall submit recommended district lines to the Legislative Council for their approval.

(b) There shall be 3 districts from within which Legislative Council members are elected. The districts as presently established shall continue until the assembly and senatorial districts of the State of Connecticut are revised in accordance with Article Third, Section 6 of the

Constitution of Connecticut. Within 6 months of the completion of each such assembly and senatorial redistricting, the Legislative Council shall adopt, by 7 affirmative votes, Legislative Council district lines for 3 districts having as nearly equal population as is practicable. Prior to the adoption of such revised council district lines, the Legislative Council shall request from the Registrars of Voters, and the Registrars of Voters shall prepare within 60 days of such request, proposed Legislative Council district lines for the consideration of the Legislative Council.

## **2-20 ELIGIBILITY**

(a) No person who is not at the time of his/her election an elector and resident of the Town shall be eligible for election to any Town office and any person ceasing to be an elector or resident of the Town shall thereupon cease to hold elective office in the Town and the office shall be deemed vacant. No person shall hold more than one elective office at the same time.

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

## **2-30 MINORITY REPRESENTATION**

(a) The number of members of any one political party who may be elected to serve on the Legislative Council from each district shall not exceed 3 of the 4 members elected from such district.

(b) The number of members of any one political party who may be elected to serve on the Board of Selectmen shall not exceed a bare majority of the whole membership of the Board.

(c) The number of members of any one political party who may be elected to serve on the Board of Education shall not exceed the maximum of the whole membership of the Board as prescribed by the provisions of section 9-167 (a) of the Connecticut General Statutes, as amended. At each Town Election the number of candidates of any one political party elected to serve on the Board of Education shall not exceed a bare majority of the number of candidates to be seated.

(d) The number of members of any one political party who may be elected to serve on the Police Commission shall not exceed a bare majority of the whole membership of the Commission.

(e) The number of members of any one political party who may be elected to any other board or commission shall not exceed the maximum number prescribed by the provisions of Section 9-167a of the General Statutes, as amended.

(f) If a person vacating an elective board or commission shall have been elected as a member of a political party, the vacancy shall be filled by a member of the same political party.

## **2-40 VACANCIES IN ELECTIVE OFFICES**

(a) A vacancy in the membership of the Legislative Council shall occur in the event of any one

of the following: (1) the death of a member; (2) the resignation of a member by written resignation filed with the Town Clerk, in which case such resignation shall take effect upon the date of such filing and the Town Clerk shall give immediate notice thereof to the Chairman of the Legislative Council; (3) if any member shall cease to be a resident or elector of the Town. A vacancy shall be filled from among electors resident in the district of the vacated member by majority vote of the Legislative Council members of the same political party of the vacated member within 30 days after the occurrence of such vacancy. If said vacancy is not filled within said period of 30 days, then it shall be filled forthwith by a majority vote of the remaining members of the Legislative Council regardless of party affiliation. Said appointment shall be for the entire remaining term of the member vacating, and no special election for the filling of any such vacancy shall be called unless all positions on the Legislative Council shall be vacant at the same time. The removal by a Legislative Council member from one district to another shall not constitute a creation of a vacancy provided that said member remains an elector and resident of the Town. Should such member resign or a vacancy occur in his seat subsequent to such move, the vacancy shall be filled by a member appointed from the district from which the member was originally elected.

(b) Vacancies in the Board of Selectmen shall be filled in the manner prescribed by the General Statutes.

(c) A vacancy or vacancies occurring in the Board of Education shall be filled by a vote of a majority of the authorized membership of said Board. If said vacancy or vacancies are not filled within 30 days from the date they occur the First Selectman, with the approval of the Board of Selectmen, shall, within 30 additional days, fill the vacancy or vacancies by appointment. If, at any time, the number of vacancies on any such Board shall leave less than a majority of the authorized membership, all existing vacancies shall be filled by the First Selectman with the approval of the Board of Selectmen, within 30 days.

(d) A vacancy or vacancies occurring in the Board of Managers of the Edmond Town Hall shall be filled by a majority of the remaining members. If said vacancy or vacancies are not filled within 30 days from the time they occur, the First Selectman, with the approval of the Board of Selectmen, shall, within 30 additional days, fill the vacancy or vacancies by appointment. If, at any time, the number of vacancies on any such Board shall leave less than a majority of the authorized membership, all existing vacancies shall be filled by the First Selectman, with the approval of the Board of Selectmen, within 30 days.

(e) Subject to the limitations of subsections (a), (b), (c) and (d) of this section, the First Selectman, with the approval of the Board of Selectmen, shall fill by appointment a vacancy in any other elective Town office within 60 days from the time that the office becomes vacant.

(f) All vacancies in elective office shall be filled at the next regular Town election except where prohibited by the General Statutes. The person appointed to fill a vacancy in an elective office shall serve only until a successor is elected to fill the vacancy at a special election or at the next regular Town Election and has qualified. A person elected to fill a vacancy and a person appointed to fill a vacancy which is not to be filled at the next regular Town election because such election is prohibited by the General Statutes shall serve the remainder of the term.

## **2-50 TWO-YEAR TERM OFFICES**

At each regular Town Election, there shall be elected a Board of Selectmen consisting of the First Selectman and 2 Selectmen, a six member Board of Finance and a Legislative Council of 12 members as set forth in Section 7-10 of this Charter. These officers shall serve terms of 2 years, and shall have the powers and duties prescribed for their offices by this Charter and by the General Statutes.

## **2-51 FOUR-YEAR TERM OF OFFICE**

### **(a) Town Clerk**

At the local election following the Presidential Election there shall be elected for a term of four years a Town Clerk. The Town Clerk shall have the powers and duties prescribed for the office by this Charter and the General Statutes.

### **(b) Registrars**

At the Presidential election, there shall be elected, for a term of 4 years, 2 registrars of voters for the Town at large. One registrar from each political party shall be elected. The registrars shall have the powers and duties prescribed for their offices by this Charter and by the General Statutes.

## **2-60 BOARD OF ASSESSMENT APPEALS**

There shall be 3 members of the Board of Assessment Appeals elected to terms of 4 years, with the number to be elected in each regular Town election to be determined by the number of members whose terms expire on or before the December 1st after the election.

## **2-70 BOARD OF EDUCATION**

(a) The Board of Education shall be composed of 7 members serving 4 year terms. At each regular Town Election, the members of said Board shall be elected in accordance with the provisions of subsection (c) of Section 2-30 of this Charter. In compliance with Connecticut General Statute 9-206(a), the change to a seven member Board of Education shall cause the Town, at the next regular Town Election following the effective date of approval of the seven member Board, to elect four members for a term of four years. At each Town Election thereafter, the Town shall elect members of the Board in place of the members whose term expire, each for a term of four years from the date of election. Within thirty days of the effective date of approval of a seven member Board of Education a seventh member shall be appointed in accordance with section 2-40 (c) of this Charter to serve whose term will expire at the next regular Town Election.

(b) The Board of Education shall elect a chairman and secretary from among its members and may prescribe their duties by regulation. Said Board shall maintain good public elementary and secondary schools and such other educational activities as in its judgment will best serve the interests of the Town and shall have all other powers and duties of boards of education prescribed by this Charter and by the General Statutes.

## **2-80 BOARD OF MANAGERS OF THE EDMOND TOWN HALL**

- (a) The Board of Managers of the Edmond Town Hall shall be composed of 6 members serving 6 year terms. At each regular Town Election, 2 members of said Board shall be elected, both of whom may not be members of the same political party.
- (b) Said Board, at its first meeting following a regular Town Election, shall elect from its membership a chairman, who shall preside over its meetings and shall choose a clerk who shall not be a member of the Board. The clerk shall keep a record of the votes and other actions of said Board and shall be sworn to the faithful performance of his duties.
- (c) Said Board shall have the exclusive care and maintenance of Edmond Town Hall and all grounds and buildings appurtenant thereto, together with all powers and duties prescribed for said Board by Special Act No. 98 of the 1931 session by which it was created, as amended by Special Act No. 517 of the 1953 session.

## **2-90 PLANNING AND ZONING COMMISSION**

- (a) There shall be a Planning and Zoning Commission which, subject to the provisions of this Charter, shall have all of the powers and duties conferred and imposed by the General Statutes upon planning and zoning commissions. The Commission shall act as the Planning Commission for the Borough of Newtown and shall, to the extent that it is so empowered by ordinance of the Borough of Newtown, act as Zoning Commission for the Borough of Newtown.
- (b) The Commission shall consist of 5 members whose terms shall be 4 years, not more than 4 of whom shall be from the same political party with the number to be elected in each regular Town election to be determined by the number of members whose terms expire on or before the December 1st after the election.
- (c) There shall be 3 alternate members of the Commission who shall be elected at each regular Town Election for terms of 2 years, not more than 2 of whom shall be from the same political party. Such alternates shall have the powers and duties conferred and imposed on alternates by the General Statutes, the provisions of this Charter and the by-laws of the Commission.
- (d) All of the regulations and acts of the Commission prior to the effective date of this Charter shall continue in full force and effect until modified, repealed or superseded by the Commission
- (e) The Planning and Zoning Commission shall accept on behalf of the Town all open spaces, parks, playgrounds, real property for the purpose of widening or realignment of existing public highways and drainage, slope or similar easements which it requires to be provided by a subdivider as a condition of subdivision approval. The power of the Commission to accept said open spaces, parks, playgrounds, real property and easements shall be limited to those situations where title to the property is free and clear of all encumbrances and is conveyed by warranty deed. Acceptance by the Commission shall not occur until the final subdivision map approved by the Commission has been filed with the Town Clerk. The Commission's approval is not subject to further appeal under Connecticut law. In the event title to the open spaces, parks, playgrounds, real property or easements is encumbered, the power to accept said property on behalf of the Town shall vest in the Legislative Council or the Board of Selectmen pursuant to Section 7-90.

## **2-100 ZONING BOARD OF APPEALS**

- (a) There shall be a Zoning Board of Appeals which shall have all the powers and duties conferred and imposed by the General Statutes upon zoning boards of appeals.
- (b) The Board shall consist of 5 members whose terms shall be 4 years, none of whom shall be a member of the Planning and Zoning Commission and not more than 4 of whom shall be from the same political party, with the number to be elected in each regular Town election to be determined by the number of members whose terms expire on or before the December 1st after the election.
- (c) There shall be 3 alternate members of the Board who shall be elected at each regular Town Election for terms of 2 years, not more than 2 of whom shall be from the same political party. Such alternates shall have the powers and duties conferred and imposed on alternates by the General Statutes, the provisions of this Charter and the regulations of the Board.
- (d) All of the regulations and acts of the Board prior to the effective date of this Charter shall continue in full force and effect until modified, repealed or superseded by the Board according to law.

## **2-110 BOARD OF POLICE COMMISSIONERS**

- (a) There shall be elected a Board of Police Commissioners composed of 5 members who shall serve 4 year terms with the number to be elected in each regular Town election to be determined by the number of members whose terms expire on or before the December 1st after the election. The Board of Police Commissioners shall maintain a Police Department in the Town and shall appoint a Chief of Police. No member of the Board of Police Commissioners shall be a member or officer of the Police Department, the Chief of Police, a special constable, or a member of any other Board or Commission, nor shall the member hold any elective office of the Town except as provided in subsection (e) of Section 3-10 of this Charter.
- (b) The Board of Police Commissioners shall, subject to budgetary limitations, have all of the powers now or hereafter granted to boards of police commissioners by the General Statutes of Connecticut, and, in addition to and not in limitation thereof, shall have the power to:
  - (1) Make all the regulations necessary to organize and maintain the Police Department including, without limitation, the establishment of ranks within said Department and the duties and responsibilities of each such rank;
  - (2) Appoint, promote, suspend and remove members and officers of the Police Department in accordance with said regulations.
- (c) No regulation enacted by the Board of Police Commissioners shall become effective until a copy of said regulation has been filed with the Newtown Town Clerk.
- (d) Appointees to the Police Department shall hold office during good behavior and until removed for cause by the Board of Police Commissioners. A violation of the regulations adopted by the Board of Police Commissioners shall be sufficient cause for removal.

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

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

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

(h) The Board of Police Commissioners shall be the traffic authority of the Town.

## **2-120 DUTIES AND COMPENSATION OF TOWN CLERK**

(a) The Town Clerk shall exercise the powers and perform the duties of a Town Clerk as provided by the General Statutes except as hereinafter provided and shall perform such other duties as required by this Charter. The receipts to be paid to the Town Clerk shall be collected in accordance with the provisions of the General Statutes or this Charter or ordinances of this Town and shall be deposited with the Financial Director of the Town and the Town Clerk shall file with the Financial Director a full statement of such receipts monthly. The Town Clerk shall also keep a record of receipts in his office which shall show the amounts thereof and for what received. The expenses of each office will be provided for in the usual budgetary manner.

(b) The Town Clerk shall receive a salary in lieu of all fees and other compensation.

## **2-130 BOARD OF FINANCE**

The Town shall have a Board of Finance consisting of six (6) members who shall be elected for terms of two (2) years. The provisions of minority representation as set forth under Section 9-167a, of the General Statutes as amended, shall apply to the Board of Finance and each political party may nominate and elect as many members of the Board of Finance as shall be permitted by the minority representation provisions of said Section 9-167a, any Special Act to the contrary notwithstanding.

The Board of Finance shall have the powers granted and the duties imposed by this Charter. together with the powers granted and the duties imposed by the General Statutes on Boards of Finance except to the extent that the latter may be inconsistent with or in conflict with any of the provisions of this Charter.

## **CHAPTER 3 BOARD OF SELECTMEN**

### **3-01 COMPOSITION AND OTHER OFFICE-HOLDING**

- (a) The members of the Board of Selectmen shall be a First Selectman and 2 Selectmen. Each member of the Board of Selectmen is a voting member.
- (b) During his/her term of office, the First Selectman shall have no other full time employment nor shall he/she hold any paid civil office under the government of the United States, the State of Connecticut, or any subdivision thereof, except that of Notary Public.
- (c) No member of the Board of Selectmen shall, during his/her term of office, hold or be appointed to any other office or employment in the government of the Town of Newtown, except as provided in subsection (e) of Section 3-10 of this Charter.

### **3-10 FIRST SELECTMAN, POWERS, DUTIES AND COMPENSATION**

- (a) The First Selectman shall be the Chief Executive and Administrative Officer of the Town and shall have the powers and duties of First Selectman prescribed by this Charter and by the General Statutes. He/She shall be responsible to the Board of Selectmen for the administration of departments under the direct supervision of the Board and shall execute or cause to be executed regulations or resolutions voted by the Board of Selectmen, and Town ordinances voted by the Legislative Council.
- (b) The First Selectman shall preside over meetings of the Board of Selectmen. At the first meeting following its election, the Board of Selectmen shall choose a member of the Board who shall preside in the absence or disability of the First Selectman, and who, as Town Agent, shall perform such other duties of an absent or disabled First Selectman as the Board may designate by resolution or regulation.
- (c) The salary for the First Selectman shall be set by the Legislative Council during the budget making process of each odd numbered year. The salary may be fixed at different rates for each year of the 2 year term. The salary shall not be changed during the 2 year term of office.
- (d) In the event that the First Selectman shall find that a state of emergency exists within the Town, requiring immediate action to protect the health, safety or general welfare of the citizens, he/she may declare, by resolution, the exact nature of the state of emergency and simultaneously publish such resolution by the most effective means available and take such actions as he/she thinks shall be in the best interest of the Town. The declaration shall be effective for a period of time not to exceed 5 calendar days, except that such effective time may be extended upon the approval by the Legislative Council that a state of emergency exists and the approval of all of the proposed actions necessary to deal with such emergency.
- (e) The First Selectman shall be an ex officio member of all boards, commissions, and Legislative Council of the Town, but he/she shall be without vote and not counted for the purpose of having a quorum except in the Board of Selectmen. He/She shall be given reasonable notice of all meetings of boards and commissions by their Chairmen or Secretaries and may in writing appoint another member of the Board of Selectmen to represent him/her at

any meeting of such boards or commissions.

### **3-20 BOARD OF SELECTMEN, GENERAL POWERS, MEETINGS AND REGULATIONS**

(a) The Board of Selectmen shall generally supervise the administration of the affairs of the Town, except those matters which by the General Statutes or this Charter are exclusively committed to the Board of Education or other departments.

(b) The Board of Selectmen shall be responsible for coordinating the activities of all the departments of the Town and for reviewing the present and future needs of the Town. It may, by resolution or regulation, require such reports and joint meetings as may be useful in the performance of its duties.

(c) A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business. The Board may make regulations for the conduct of its meetings and for the execution of its duties. It shall by regulation provide for regular meetings and a procedure for calling special meetings.

### **3-30 BOARD OF SELECTMEN, SPECIFIC POWERS**

(a) Except for the power granted to the Board of Education by the General Statutes, the Board of Selectmen shall have the sole power, subject to the provisions of the General Statutes and of this Charter:

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

(2) To take, purchase, lease, sell, or convey real or personal property of or for the Town, subject to the provisions of Section 7-90 of this Charter;

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

(4) To defend the Town by legal action or proceeding;

(5) To apply for any financial assistance by the State of Connecticut and the United States Government including grants to fund any appropriation, subject to the provisions of Section 6-60 of this Charter; and

(6) To accept public highways, to approve the layout of public highways and related drainage, slope or other easements, to approve the acquisition of real property or interests in real property for the purpose of widening or realignment of existing public highways, and to grant utility easements across Town owned property for the good of the Town.

(7) To submit annually to the Board of Finance a proposed Budget for the next fiscal year.

(b) The Board of Selectmen shall have such other powers and duties as are provided for boards of selectmen by the General Statutes and this Charter, and may exercise any of the powers conferred on towns by Section 7-194 of the General Statutes, to the extent that the Legislative Council has not already acted by ordinance or resolution on such subjects and to the extent that such powers have not otherwise been granted or limited by this Charter to other boards, commissions or Town officers.

### **3-40 CLERK OF THE BOARD OF SELECTMEN**

The First Selectman, with the approval of the Board of Selectmen, shall appoint a clerk of the Board of Selectmen who shall keep minutes of meetings and record all motions and votes and other actions of the Board of Selectmen and shall perform such other duties as the Board of Selectmen shall direct.

## **CHAPTER 4 APPOINTIVE BOARDS**

### **4-01 GENERAL PROVISIONS**

(a) The First Selectman, with the approval of the Board of Selectmen, shall appoint, whether for full terms or to fill vacancies, the members of all appointive boards and commissions required by Chapter 4 of this Charter or hereafter created by ordinance, except the Board of Fire Commissioners, subject to the provisions of Section 4-20 of this Charter. A First Selectman, with the approval of the Board of Selectmen, whose position as First Selectman will end as a result of not being re-elected or has chosen to vacate the office, shall not make appointments from the date of the Town Election to the end of his/her term.

(b) All members of appointive boards shall be electors and residents of the Town and shall vacate their positions on ceasing to be electors or residents of the Town.

(c) Appointive boards other than those required by this Chapter 4 may be created, abolished and consolidated; their powers and duties established, altered and repealed; and the number and terms of office of their members established and changed by ordinance.

(d) Appointive boards required by this Chapter 4 other than the Board of Fire Commissioners and the Board of Ethics may, in their discretion, appoint associate members, with voice but without vote, for terms no longer than the terms of members of the appointing board.

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

### **4-10 TERMS OF OFFICE**

(a) The terms of appointment to any appointive board, except the Building Appeals Board, shall not exceed 4 years and shall be established to expire, as nearly as is possible, at regularly staggered annual intervals, unless otherwise provided by this Charter or by the General Statutes.

(b) The terms of office on all appointive boards and commissions shall commence on January 7th, unless otherwise required by law. The length of terms shall be as hereinafter specified.

(c) Any vacancy on any appointive board or commission, from whatever cause arising, shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term vacated, within 45 days of such vacancy. If such vacancy has not been filled by the Board of Selectmen within 45 days, the remaining members of such board or commission shall fill such vacancy subject to the provisions of Section 4-20 of this Charter.

(d) The term of each member of an appointive board or commission who is an incumbent as of November 5, 1991 shall be extended to the January 7th following the date said term would otherwise expire, unless otherwise provided in this Charter.

#### **4-20 MINORITY REPRESENTATION**

The number of members of any one political party who may be appointed to any appointive board shall not exceed the maximum number prescribed by Section 9-167a of the General Statutes. If a person vacating an appointive board was appointed as a member of a political party, the vacancy shall be filled by a member of the same political party or by an unaffiliated elector and, if the newly appointed member is an unaffiliated elector and must vacate his appointment, the person appointed to fill such a vacancy must be either an unaffiliated elector or a member of the same political party as the person initially appointed.

#### **4-30 GENERAL POWERS AND PROCEDURES AND COMPENSATION**

(a) Appointive boards shall have the powers and duties prescribed by this Charter or prescribed by ordinance in the case of appointive boards authorized under subsection (c) of Section 4-01 of this Charter.

(b) Appointive boards shall choose a chairman and a secretary and may make regulations for the conduct of their meetings and the execution of their duties. Such regulations shall be filed with the Town Clerk.

(c) The members of appointive boards shall serve without compensation, except that necessary expenses incurred in the performance of their duties may be paid from an appropriation authorized for the purpose.

#### **4-40 REMOVAL FOR CAUSE**

(a) A member of an appointive board or the Town Assessor or Tax Collector may be removed for cause by the First Selectman with the approval of the Board of Selectmen.

(b) The First Selectman, with the approval of the Board of Selectmen, shall adopt a personnel policy establishing procedures, consistent with due process, for removal for cause.

(c) Within 30 days from such removal, any person so removed may, in writing, request a hearing before the Legislative Council. Such hearing shall be held within 15 days from the date such request is made and such person may appear at the hearing with counsel. After such hearing, the decision of the Board of Selectmen may be reversed, modified or upheld by said

Legislative Council, provided said Legislative Council acts no later than 30 days after the conclusion of such hearing.

#### **4-50 BOARD OF FIRE COMMISSIONERS**

(a) There shall be a Fire Department consisting of all the volunteer fire companies located within the Town, under the operation, supervision and management of a Board of Fire Commissioners. The Board of Fire Commissioners shall be composed of 7 members serving 3 year terms who shall be chosen by the several volunteer fire companies in the following manner:

(1) Each volunteer fire company, in accordance with its by-laws and regulations prescribed by the Board of Fire Commissioners, shall appoint one member of said Board.

(2) The commissioners so chosen shall then meet and appoint such additional commissioner or commissioners as may be necessary to constitute the full membership of 7. Said Board appointed members shall not be members of any volunteer fire company.

(3) Each new volunteer fire company admitted to the Fire Department shall be entitled to appoint one new member of said Board and said Board shall also appoint one new member thereof, in the manner prescribed in subsections (1) and (2) hereof.

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

(b) In addition to its general power to operate, supervise and manage the Fire Department, the Board of Fire Commissioners shall have the specific powers and duties set forth in subsections (c) through (e) below and such other powers and duties as may be prescribed by ordinance and by the General Statutes.

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

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

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

#### **4-60 BOARD OF ETHICS**

(a) There shall be a Board of Ethics composed of 6 regular members and 2 alternate

members. The Board of Ethics shall have the powers and duties set forth herein and in the General Statutes. At no time shall more than 3 regular members and one alternate member be of the same political party. An alternate member shall vote only in the absence or disability of a regular member. A quorum shall be 4 members. The First Selectman, with the approval of the Board of Selectmen, shall appoint all members to the Board of Ethics.

All appointments to the Board shall be for a term of 4 years. In no event may any member of the Board serve on said Board for a period of more than 8 years in succession. Any member who has served for 8 years in succession shall be ineligible for reappointment to the Board for a period of 4 years after he last served on the Board of Ethics. Each member shall serve until his successor has been appointed.

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

(c) The Board shall be charged with the administration of the Code of Ethics. The Board shall adopt and may amend reasonable rules and regulations for the administration of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall hold a public hearing. Notice of the date, time and place of the public hearing, together with the text of the proposed amendment, shall be published in a newspaper having a substantial circulation in the Town of Newtown not less than 10 days before the date of said hearing. All such rules and regulations, as currently amended, shall be made available at the office of the Town Clerk to any elector of the Town.

(d) The Board shall receive complaints of any violations of the Code of Ethics and shall, upon such complaint, investigate the same and may hold private hearings thereon if, in the opinion of the majority of the Board, said complaint warrants a hearing. Any complaint received by the Board must be in writing and signed by the individual making said complaint. Complaints made to the Board of Ethics shall not be made public unless and until the complaint is found to warrant an investigation. Upon receiving any complaint, the Board shall privately notify in writing the person against whom said complaint has been filed, advising the concerned party of the specific nature of the complaint made and being investigated by the Board and the name of the complainant. Upon receipt of said notice from the Board, the party so notified that a complaint has been filed against him/her shall have the right to demand a full hearing by the Board. In the event the Board decides that a hearing is required, or the person whose conduct is being called into question demands a hearing, said hearing shall afford the person whose conduct is called into question the right to cross-examine anyone testifying against him/her, to meet and answer any complaint made of his/her conduct, and to present evidence in his/her own behalf. No hearing may be conducted with less than 4 members of the Board in attendance.

(e) In the event the Board shall receive complaints against any officer, official or employee of the Town, the investigation and disposition of which have been delegated to other boards or commissions created by the Charter or under the General Statutes, then the Board shall forward the complaint received to the appropriate board or commission. The board or commission to which such complaints are forwarded shall thereafter notify the Board of the disposition made of said complaint.

(f) The Board shall report to the Board of Selectmen its finding as to whether or not a violation of the Code of Ethics has occurred, together with recommendation as to dispositions to be made. The First Selectman with the approval of the Board of Selectmen shall thereupon take such action as it may deem appropriate including, but not limited to, removal from office, suspension or censure of the person(s) who is the subject of the complaint or dismissal of the charges, except that elected officials may not be removed or suspended from office.

(g) Whenever, an officer, official or employee of the Town is contemplating taking an action or participating in any proceeding and has any question concerning the conformity of that action or participation with the Code of Ethics, the officer, official or employee shall have the right to seek an advisory opinion of the Board. Such request must be submitted in writing and the resulting advisory opinion from the Board shall be in writing.

(h) All opinions, findings and recommendations of the Board, whether advisory or at the request of a complainant, shall be kept on file in the office of the Town Clerk.

(i) The Legislative Council, by regulation, may prescribe procedures permitting the reimbursement by the Town of any reasonable attorney's fees incurred in connection with an appearance before the Board of Ethics by an officer, official or employee of the Town.

#### **4-70 PARKS AND RECREATION COMMISSION**

(a) There shall be a Parks and Recreation Commission which shall be composed of 7 members serving 2 year terms and which shall be charged with the care, management and supervision of all public parks and other areas set aside by the Town for recreational purposes or donated to the Town for such use. It shall undertake and develop such recreational program or programs as the needs of the Town require, provided there is an appropriation or private donations have been received for this purpose. Said commission shall have such other powers and duties as from time to time may be prescribed by ordinance and by the General Statutes.

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

#### **4-80 BUILDING APPEALS BOARD**

There shall be a Building Appeals Board composed of 5 members serving 5 year terms, with such powers and duties as from time to time may be prescribed by ordinance and by the General Statutes. Each member shall be qualified by experience and training to vote upon matters pertaining to building construction. No member of said Board shall vote on any question concerning a matter in which he is engaged as contractor, material dealer, architect or engineer, or in which he has a personal interest. No member of said Board shall serve more than 2 consecutive terms.

#### **4-90 PUBLIC BUILDING AND SITE COMMISSION**

(a) Composition and Appointment

(1) The Public Building and Site Commission shall consist of 7 members, no more than 4 of whom shall be from one political party, appointed by the First Selectman and confirmed by the Board of Selectmen. Such members shall serve 4 year terms and until

their successors are appointed and have taken office. Appointments shall be made to include members qualified by experience or training in matters pertaining to building design, construction or contractual instruments.

(2) There shall be 2 alternates appointed, with no more than one alternate from the same political party, who serve 4 year terms and who are appointed by the First Selectman and confirmed by the Board of Selectmen.

(b) Powers and Duties

(1) The Public Building and Site Commission shall have control of supervision and construction of building projects including major new construction, alteration or extension, furnishing or equipping of a building to be used for public purposes including the acquisition and improvement of land thereto and with improvements thereon, if any. Contracts in connection with all building projects shall be authorized by the First Selectman with the approval of the Board of Selectmen or the Board of Education. The Commission shall have such other powers and duties germane to the office and not inconsistent with the General Statutes or prescribed by ordinance.

(2) The Public Building and Site Commission shall be empowered to appoint ad hoc committees to assist with special projects.

#### **4-100 CONSERVATION COMMISSION**

There shall be a Conservation Commission composed of 7 members with such powers and duties as may from time to time be prescribed by ordinance and the General Statutes.

#### **4-110 TRUSTEES OF THE CYRENIUS H. BOOTH LIBRARY**

(a) There shall be a Board of Trustees of the Cyrenius H. Booth Library consisting of 18 persons who shall be residents and electors of the Town.

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

(c) The Trustees shall serve 3 year terms with the term of 6 Trustees expiring on July 1 each year. Of the 6 Trustees to be appointed each year, a number established by the by-laws adopted by the Board of Trustees, but not less than 2, shall be appointed by the First Selectman, with the approval of the Board of Selectmen. The balance of the 6 to be selected shall be elected by the vote of the remaining Trustees present and voting at a meeting warned for the purpose. No Trustee shall serve for more than 9 consecutive years except to complete a term for which the Trustee shall have been elected, and thereafter said Trustee shall be ineligible to serve as Trustee for a period of 2 years.

(d) Vacancies shall be filled in accordance with the by-laws of the Board of Trustees, except that vacancies in offices filled by appointment of the First Selectman shall be filled by appointment of the First Selectman, with the approval of the Board of Selectmen.

## **4-120 CULTURAL ARTS COMMISSION**

There shall be a cultural arts commission composed of 9 members with such powers and duties as may from time to time be prescribed by ordinance and General Statutes.

## **CHAPTER 5 ADMINISTRATIVE OFFICES**

### **5-01 OFFICE OF FINANCIAL DIRECTOR**

(a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council, shall appoint a Financial Director to an indefinite term. The First Selectman, Board of Selectmen and Legislative Council shall choose and consider all candidates for the position of Financial Director solely on the basis of such candidate's professional qualifications, character, training and experience in the field of financial management.

(b) The powers, duties and responsibilities of the Financial Director shall be as follows:

(1) He/She shall keep all books of account of the Town and shall establish and maintain a general cost accounting system for all Town Departments including the Board of Education, consistent with all State Laws and subject to the regulations adopted by the Board of Finance and approved by the Legislative Council. As part of this accounting system, he/she shall keep a separate account for each appropriation showing the amount of the appropriation, the amounts paid or transferred to it, the unpaid obligations against it and the unencumbered balance of the appropriation, and of any allotments thereof;

(2) He/She shall have all of the powers and duties imposed by the General Statutes or by special act or law on town treasurers, and shall be Treasurer of all trust funds held by the Town;

(3) He/She shall receive and have custody of all funds belonging to or under the control of the Town or any Town department or officer and shall make such deposits or investments as he deems in the best interest of the Town within the limits imposed on such deposits or investments by the General Statutes. In addition, he/she shall be responsible for the safekeeping of all bonds and notes owned by the Town and for the receipt and delivery of such bonds and notes for transfer, registration and exchange;

(4) He/She shall determine when to issue notes or bonds authorized by the Town Meeting or Legislative Council. Bids for such notes or bonds must be sought from at least 3 lending institutions for all borrowings and the net bid most favorable to the Town must be accepted, unless the Financial Director believes that it is in the best interest of the Town to reject all such bids, in which case all such bids may be rejected. He/She shall require all Town Departments and officers to report and remit all receipts to him as often as he/she may deem desirable but not more often than daily; He/She may re-negotiate bond sales used to refund and restructure options when it is financially advantageous. The re-negotiation may be done without securing bids.

(5) No disbursements of Town funds shall be made, except as authorized by the Financial Director. Before any such funds are spent or any appropriation is encumbered

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

(6) The Financial Director shall prepare an analysis of all budget requests submitted as part of the preparation of the Annual Budget, said analysis to be submitted in a timely fashion to the Board of Finance insofar as the requests of the Board of Education are concerned and to the Board of Selectmen on all other requests. A similar analysis shall be provided to the Legislative Council on all requests for special appropriations or transfers submitted to it or initiated by it. He/She shall prepare a financial impact statement in accordance with Section 6-100 of this Charter to be provided to the Board of Selectmen and Legislative Council.

(7) The Financial Director shall maintain a 5 year capital improvement plan in accordance with the regulations (see 7-51) of the Legislative Council and shall submit an updated version of such plan to the Board of Finance and Legislative Council no later than the fifteenth day of January of even-numbered years.

(8) He/She shall prepare a cost analysis of all labor contracts, pension plans and insurance plans prior to the signing of any such contracts or plans. He/She shall assist in all labor negotiations. He/She shall serve as a consultant to the labor negotiators representing the Town.

(c) The Financial Director, in conjunction with the First Selectman, shall be the purchasing authority for all supplies and contracts for services, except professional services needed by the Town, including supplies needed by the Board of Education where those supplies are of a type which are also used by Town departments other than the Board of Education. Nothing herein shall be construed to limit the Board of Education from requesting the purchasing authority to purchase supplies of a type not used by other Town departments, in which case the purchasing authority shall carry out the purchase requested. All purchasing carried out by the purchasing authority shall be carried out in accordance with the regulations adopted by the Legislative Council. Said regulations shall be reviewed biennially by the Legislative Council.

(d) The Financial Director, with the approval of the First Selectman and Board of Selectmen and within the limits of the appropriations made to his/her office, may hire qualified employees to whom he/she may delegate specific functions of the aforesaid duties. However, he/she shall at all times remain fully responsible for carrying out the duties and responsibilities imposed upon him/her by this Charter.

(e) In carrying out his/her duties, the Financial Director shall be responsible to the Board of Selectmen or the Legislative Council as set forth in Chapter 6 of this Charter.

(f) The First Selectman, with the approval of the Board of Selectmen and with the approval of the Legislative Council after a hearing before the Council, may remove the Financial Director

from office, with or without cause.

#### **5-10 TAX COLLECTOR**

(a) The First Selectman, with the approval of the Board of Selectmen, shall nominate and appoint a Tax Collector to a term of 4 years commencing the first day of February of 1990 and every February first every 4 years thereafter. The First Selectman and the Board of Selectmen shall choose and consider all candidates for the position of Tax Collector solely on the basis of such candidate's professional qualifications, character, training and experience. The Tax Collector need not be a resident of the Town. The person appointed to fill the vacancy shall serve the balance of the unexpired term only. The Tax Collector shall have the powers, duties and compensation set forth in the provisions of Section 5-10 (b) of this Charter. The First Selectman, with the approval of the Board of Selectmen, may remove the Tax Collector from office for cause in accordance with the provisions of Section 4-40 of this Charter.

(b) The Tax Collector shall exercise the powers and duties of a Tax Collector as provided by the General Statutes, except as hereinafter provided, and shall perform such other duties as required by this Charter. The receipts to be paid to the Tax Collector shall be collected in accordance with the provisions of the General Statutes or this Charter or ordinances of this Town and shall be deposited with the Financial Director of the Town and the Tax Collector shall file with the Financial Director a full statement of such receipts monthly. The Tax Collector shall also keep a record of receipts in his/her office which shall show the name of each person from whom money is received, the amounts thereof, and for what received. The expenses of the office will be provided for in the usual budgetary manner.

(c) The Tax Collector shall receive a salary in lieu of all fees and other compensation.

#### **5-20 TOWN ASSESSOR**

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

(b) The duties and responsibilities of the office, the minimum qualifications for office and the methods to be used in the selection of the Assessor, including methods and agencies of administration of professional examinations, shall be prescribed by ordinance.

(c) The Board of Selectmen may remove the Assessor from office for cause in accordance with the provisions of Section 4-40 of this Charter.

#### **5-30 BUILDING INSPECTOR**

The First Selectman, with the approval of the Board of Selectmen, shall appoint a Building Official for a term of 4 years. The Building Official shall have the qualifications

prescribed by the General Statutes and shall have such other qualifications as may be prescribed by ordinance of the Board of Selectmen. The Building Official shall have such powers and duties as may be prescribed by ordinance and by the General Statutes.

#### **5-40 TOWN ATTORNEY**

(a) The First Selectman, with the approval of the Board of Selectmen, may appoint one or more Town Attorneys to furnish such legal services to the Town and its departments as the First Selectman authorizes.

(b) The Legislative Council Chairman may appoint, with the approval of the affirmative vote of 8 members of the Legislative Council, an attorney to furnish legal services to the Legislative Council.

#### **5-60 CIVIL PREPAREDNESS DIRECTOR**

The Civil Preparedness Director shall be appointed in accordance with the General Statutes.

#### **5-70 DEPARTMENT OF PUBLIC WORKS**

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

#### **5-80 EMPLOYEES**

(a) The First Selectman may establish hours of work, set wages or salaries within the range set by the Board of Selectmen, and hire, suspend or dismiss employees of the Town, except employees of the Board of Education and employees whose employment and removal are otherwise provided for by this Charter or by the General Statutes. The First Selectman may, by written order, delegate this power to other Departments of the Town with respect to employees of such Departments.

(b) Uniform procedures for the recruitment and removal of any class of employees which the First Selectman may hire, suspend or dismiss, a general merit system and a pension plan for employees of the Town may be established by ordinance.

(c) All paid appointed employees of the Town shall report to the First Selectman for administrative purposes.

(d) Any employee who has been suspended or dismissed by the First Selectman and for whom no grievance procedure is provided in a collective bargaining agreement may within 15 days of his removal, request in writing a hearing before the Board of Selectmen which hearing shall be held within 15 days from the date of receipt of such request. The employee may appear at the hearing with counsel. The Board of Selectmen shall, within 15 days of the date of the hearing, act to affirm, modify or reverse the action of the First Selectman.

## **5-90 REGULAR CONSTABLES**

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

## **5-100 OTHER OFFICERS AND DEPARTMENTS**

(a) The First Selectman, with the approval of the Board of Selectmen, shall appoint such other officers, committees or commissions as are required by the General Statutes.

(b) The First Selectman, with the approval of the Board of Selectmen, may appoint such other officers as are authorized by the General Statutes or by ordinance, subject to the provision of necessary appropriations.

(c) The First Selectman with the approval of the Board of Selectmen may establish and maintain, subject to the provision of necessary appropriations, other departments for the administration of functions of the Town.

## **CHAPTER 6 FINANCE AND TAXATION**

### **6-01 BOND REPAYMENT**

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

### **6-02 ANNUAL AUDIT**

The Legislative Council shall annually designate an independent, certified public accountant or his firm to audit the books and accounts of the Town as required by the General Statutes.

### **6-10 THE ANNUAL BUDGET PROCESS**

## **6-11 PREPARATION OF THE ANNUAL BUDGET**

(a) At such time and in such manner as the Board of Selectmen may require, not later than February 1st, every department supported wholly or in part by Town revenues, or for which a specific Town appropriation is or may be made, except the Board of Education, shall present to the Board of Selectmen an itemized estimate of the expenditures to be made by such departments and all revenue other than Town appropriations to be received by it for its use during the next 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 then revise the estimates as it deems desirable and prepare a proposed general government Town budget for all such departments for submission to the Board of Finance.

(b) Not later than February 14th, in such form and with such supporting data as the Board of Finance shall require, (1) the Board of Selectmen shall submit to the Board of Finance an itemized estimate of the proposed general government Town budget, other than for schools and education, during the next ensuing fiscal year; and (2) the Board of Education shall submit to the Board of Finance an itemized estimate of expenditures proposed for the maintenance of Town public schools and an itemized estimate of all revenue other than Town appropriations to be received by the Board of Education for its use during the next ensuing fiscal year.

(c) Prior to the final adoption of the budget by the Legislative Council, the Board of Selectmen and the Board of Education may amend the budgets originally submitted to the Board of Finance. Such amended item or items, if approved by the Board of Finance, shall be considered part of the original budgets and be submitted to the Legislative Council for approval subject to the provisions of Section 6-13.

## **6-12 DUTIES OF THE BOARD OF FINANCE**

(a) The Board of Finance shall conduct a public hearing not later than the first Wednesday in March on the budgets proposed by the Board of Selectmen and the Board of Education and at said meeting or any adjournment thereof it shall hear all electors or taxpayers who may desire to be heard relative to the proposed budget.

(b) The Board of Finance shall, not later than five (5) days prior to the hearing provided in Section 6-12 (a), cause to be published in a newspaper having a substantial circulation in the Town the budget proposed by (1) the Board of Selectmen including in parallel columns, for each item, the sum budgeted for the current fiscal year, the sum expended for the prior fiscal year and the sum proposed by the Board of Selectmen; (2) the Board of Education including in parallel columns, for each item, the sum budgeted for the current fiscal year and the sum expended for the prior fiscal year and the sum proposed by the Board of Education; and (3) the estimated tax rate to the extent possible.

(c) The Board of Finance shall hold working sessions and shall revise the estimates as it deems desirable and prepare a recommended Town budget, which shall be a complete financial plan for the current operations of the Town and its agencies for the next ensuing fiscal year. It shall contain at least the following:

- (1) A simple, clear, general summary of the contents of the budget, showing estimated revenues and total appropriations equal in amount;

(2) The proposed expenditures in detail including provisions for any audited cash deficit for the prior fiscal year, for debt service requirements, and for all other expenditures for the next ensuing fiscal year, including an appropriation for contingencies to be met from current revenues. All proposed expenditures shall be classified in such manner as the Board of Finance deems desirable;

(3) Miscellaneous revenues and the amount required from taxes. The estimated miscellaneous and tax revenues shall be the amounts expected to be received in cash during the next ensuing fiscal year;

(4) An itemized comparative statement by classification of all actual expenditures and receipts during the last completed fiscal year and the budget appropriations for the current fiscal year as revised to a recent specified date, together with estimated revenues for the current fiscal year.

(d) The Board of Finance shall consider the budgets proposed by the Board of Selectmen and Board of Education and shall act upon said proposed budgets. It shall:

(1) Make such changes in any estimates or appropriations contained in the proposed budgets as it shall deem proper; and/or

(2) Add appropriations or receipt items not contained in the proposed budgets.

(e) The Board of Finance shall, in any event, not later than March 14th submit to the Legislative Council its recommended budget for the next fiscal year.

### **6-13 DUTIES OF THE LEGISLATIVE COUNCIL**

(a) Upon receipt of the budget recommended by the Board at Finance for the ensuing fiscal year, the Legislative Council shall cause sufficient copies thereof to be made available for general distribution in the office of the Town Clerk and shall hold a public hearing thereon not later than the last Wednesday in March each year. At least five (5) days prior to said hearing, the Legislative Council shall cause to be published, in a newspaper having a substantial circulation in the Town, a notice of the public hearing together with a summary of the budget recommended by the Board of Finance showing proposed expenditures, anticipated revenues by major sources, and the amount of revenue to be raised

(1) The Legislative Council shall consider the budget recommended by the Board of Finance and shall adopt a budget not later than the second Wednesday in April.

(2) If the Legislative Council shall not have adopted a budget on or prior to said date, then the budget recommended by the Board at Finance shall be deemed to have finally been adopted by the Legislative Council as of said date.

(b) The Legislative Council shall have the following powers with respect to any item in the budget recommended by the Board of Finance:

(1) It shall have the power to reduce any item in the budget recommended by the Board of Finance by a majority vote of the Legislative Council of at least six (6) affirmative votes; and

(2) It may increase any item in said budget or add items to said budget only on a two-thirds affirmative vote of the entire membership of the Legislative Council provided, however, that items may be added by the Legislative Council only to the extent that such items were included in the budgets proposed by the Board of Selectmen and the Board of Education and provided further that any increase in said budget shall not be in excess of the amount for said item in the budgets proposed by the Board of Selectmen and the Board of Education.

(c) If the Board of Finance shall fail to act, as set forth in Section 6-12, on the budgets proposed by the Board of Selectmen and the Board of Education or shall have failed to submit a recommended budget to the Legislative Council within the timeframe as set forth in Section 6-12 (e), then the budgets proposed to the Board of Finance by the Board of Selectmen and the Board of Education shall be considered by the Legislative Council. The Legislative Council shall hold a public hearing on the budgets proposed by the Board of Selectmen and the Board of Education after giving notice, all as set forth in Section 6-13 (a). The Legislative Council shall have, when considering and acting upon the budgets proposed by the Board of Selectmen and the Board of Education the same powers granted to the Board of Finance under the provisions of Section 6-12 (d), and shall exercise said powers by a majority of at least six (6) affirmative votes.

#### **6-14 ANNUAL BUDGET REFERENDUM**

(a) The proposed Town budget shall be submitted for adoption at the Annual Budget Referendum to be held on the fourth Tuesday of April between the hours of 6:00 A.M. and 8:00 P.M. Notice of the Annual Budget Referendum and any subsequent Referenda, as may be needed and the proposed budget, together with the mil rate estimated to be necessary to fund the proposed budget, shall be filed by the Legislative Council with the Town Clerk and published in a newspaper having a substantial circulation in the Town at least five (5) days prior to the Annual Budget Referendum. At the Annual Town Budget Referendum, the proposed budget shall be voted on in two parts; one for the Board of Selectmen budget, and one for the Board of Education budget. The proposed budgets shall be approved individually by a majority of those voting who are lawfully entitled to vote.

In the event one budget fails and one is approved, the budget which passes shall be considered adopted. Any failed budget or budgets shall be resubmitted to those voters who are lawfully entitled to vote at successive referenda until passed by a majority of those voting in accordance with the provisions of paragraph 6-14(b) below. The questions on the Annual Town Budget Referendum ballot shall be as follows:

Shall the sum of \$\_\_\_\_\_ be appropriated as the budget for the Board of Selectmen for the fiscal year?

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

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

Do you deem the proposed sum of \$\_\_\_\_\_ to be appropriated for the Board of Selectmen as "too low"?

Yes \_\_\_\_\_

No \_\_\_\_\_

Do you deem the proposed sum of \$\_\_\_\_\_ to be appropriated for the Board of Education as "too low"?

Yes \_\_\_\_\_

No \_\_\_\_\_

(b) Failure to Adopt

A failed budget or failed budgets as the case may be, as provided in Paragraph 6-14(a) above, shall be submitted to the voters by means of successive Referenda until adopted, as set forth in Paragraph 6-14(a) above. The ballot for each successive Referenda shall include the advisory question(s).

**6-15 LOCAL QUESTIONS ON BALLOT**

The Legislative Council, with at least 6 affirmative votes, may place local questions on the Annual Budget Ballot.

**6-20 LAYING OF TAXES**

(a) Following the adoption of the budget for the next ensuing fiscal year, the Legislative Council shall meet and, with due provision for estimated and uncollectible taxes, abatements and corrections, shall lay such tax on the last completed Grand List as shall be sufficient, with the income from other sources, not only to meet the estimated expenses of the Town for the next ensuing fiscal year, but also to absorb the revenue deficit, if any, at the beginning of such year. The tax laid shall be based on facts known and estimates made at the time the Legislative Council acts and may be different from the rate estimated prior to the Annual Budget Referendum or any subsequent Town Meeting or referendum even though the budget adopted is the same as the budget recommended to the Annual Budget Referendum or any subsequent Town meeting or referendum.

(b) The Tax Collector shall then collect the tax in accordance with the General Statutes. Property tax bills of \$50 or more in the Town shall be due and payable in 2 semi-annual installments, July 1 and January 1. Taxes shall be delinquent and interest charged in accordance with Section 12-146 of the General Statutes and any amendments thereto. Taxes amounting to less than \$50 shall be due and payable July 1.

**6-30 SPECIAL AND EMERGENCY APPROPRIATIONS**

(a) Definitions

A "Special Appropriation" is any request for an appropriation of funds that is made during a fiscal year for which an annual budget has been adopted without such funds being appropriated. An "Emergency Appropriation" is a special appropriation required for any purpose arising from some unforeseen or unusual or extraordinary event, such as the destruction of public property by fire, flood, or such other calamity, or from the necessity of erecting, altering or

repairing public buildings, bridges, structures or other public works, or from some unusual demand made upon the Town by the State; such emergency shall be found to exist by the affirmative vote of two-thirds of the entire authorized membership of the Legislative Council.

(b) Initiation.

A request for a special or emergency appropriation may be initiated by the First Selectman with the approval of the Board of Selectmen, a Town department head or the Legislative Council. The request shall include an estimate of the funds required, the reasons therefore, and a proposed method of financing. Methods of financing include, without limitation, issuing notes or bonds of the Town or laying a special tax on the Grand List last completed.

(c) Action By The Legislative Council

The Legislative Council shall consider any request for a special or emergency appropriation, provided such request is properly noticed and appears on the agenda of a regular or special meeting of the Legislative Council. Special appropriations, shall be accompanied by a recommendation of the Board of Finance concerning whether or not such appropriation should be made, provided, however the Legislative Council may act on a request for a special appropriation without a recommendation from the Board of Finance if the Board of Finance has failed to provide such recommendation within 30 days of the appearance of the special appropriation on the agenda of the Council meeting. The Legislative Council shall act upon requests for special and emergency appropriations that do not exceed the limits of the Legislative Council's authority as set forth in Section 7-80 of this Charter. The Legislative Council shall determine the method of financing for such special or emergency appropriation. The Legislative Council may recommend to a Town Meeting requests for special or emergency appropriations that exceed the Legislative Council's authority. The Legislative Council shall recommend to a Town Referendum all special and emergency appropriations which equal or exceed 10 million dollars. In such case, the Legislative Council shall recommend a method of financing the special or emergency appropriation that shall be included by the Board of Selectman in the warning of the special Town Meeting or referendum. When, in the opinion of the Legislative Council, a special or emergency appropriation requires a larger expenditure of money than can reasonably be raised by taxation in a single year, the Legislative Council may provide or may recommend to a special Town Meeting a method of financing such expenditures over a period of years through the issuance of bonds or notes of the Town.

## **6-50 ACTION BY TOWN MEETING**

When a special or emergency appropriation is recommended to a Town Meeting said appropriation may be decreased by the Town Meeting but may not be increased. The Town Meeting shall have no authority to act concerning special appropriation of any amounts that are necessary to implement agreements reached through the process of collective bargaining.

If a special or emergency appropriation is voted for a purpose requiring the expenditure or encumbrance of funds during a fiscal year for which an annual budget has been adopted but the tax has not yet been laid in accordance with Section 6-20 (a) of this Charter, it shall be financed by being included in the appropriations of the Town for which the tax is laid.

## **6-60 NON-RECURRING EXPENDITURES**

If any expenditure other than a recurring expenditure recommended by the Legislative Council is of so large an amount that the tax laid to pay it would make the total tax so high as in the judgment of the Legislative Council to be inconsistent with the public welfare, the Town Meeting or Referendum, on recommendation of the Legislative Council, may direct the Legislative Council to apportion the tax for such expenditure over a period of not more than 5 years and the amount apportioned each year shall be thereafter included in the budget as a fixed charge until such time as the total amount of such expenditure has been paid. If the Town Meeting or Referendum votes to issue bonds, the interest on such bonds and an annual appropriation for a sinking fund sufficient to pay the same on maturity shall be included in the budget as a fixed charge. The provisions of this section shall not apply to any expenditure which is to be met by the proceeds of a bond issue and which has been authorized by vote of the Town Meeting or Referendum. The phrase "recurring expenditure" as used herein means an expenditure for a purpose for which an appropriation was made in each of the 3 preceding fiscal years.

## **6-70 TRANSFERS**

(a) During the first 335 days of any fiscal year, the First Selectman and Financial Director may transfer unexpended and unencumbered balances of any appropriations within a department to another appropriation for the same department, which shall not exceed the sum of \$50,000.00. All transfers within a department that exceed the sum of \$50,000.00 shall require the approval of the Board of Finance.

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

(b) During the remainder of any fiscal year, upon request of Town departments, the Board of Finance shall have the power to transfer, without limitation, the unexpended and unencumbered balances of any appropriation for one department to an appropriation for another department with the approval of the Legislative Council.

## **6-80 EDUCATION SPECIAL APPROPRIATIONS AND TRANSFERS FUNDING**

(a) The provisions of sections 6-30, 6-60, and 6-70 shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in excess of \$10,000 in accordance with the General Statutes and this Charter.

(b) Nothing contained in Section 6-70 of this Charter shall affect any appropriation contained in, or transfers within, the budget of the Board of Education.

## **6-90 EXPENDITURES AND ACCOUNTING**

- (a) The fiscal year of the Town shall begin on July 1st and end on June 30th of the following calendar year, starting July 1, 1965,
- (b) The system of accounts used by the Town departments shall be that prescribed by the General Statutes as supplemented by regulations adopted by the Board of Finance and approved by the Legislative Council and in accordance with generally accepted accounting practice.
- (c) The Board of Finance shall keep under review the expenditures of Town departments and shall by regulation prescribe periodic reports of expenditures for which purpose said Board of Finance shall have access to the books and records of any such department.
- (d) The regulations adopted by the Board of Finance and approved by the Legislative Council shall also designate the forms and procedures for purchase orders to be drawn on the Financial Director by the Board of Education and the Board of Selectmen.
- (e) All sums not in excess of \$50,000 which may become due and payable to the Town or any of its departments by virtue of any loss or damage suffered by persons or property entrusted to the care, supervision or management of any such department shall be deposited in a special account and segregated by the Financial Director from the general fund of the Town. Thereafter, the Financial Director shall use such sums so segregated to pay any bills incurred in the course of repairing or replacing such loss or damage by the Town department in question, but such payments shall not exceed the lesser of the amount of money so deposited or the cost of repair or replacement. Any such money which is not so expended within one year from the date of its deposit shall cease to be segregated and shall be deposited in the general fund of the Town, unless the Town department which has incurred the loss or damage, notifies the Financial Director in writing before the expiration of said year that such repairs or replacements have been commenced or will be commenced within 90 days and will be completed on a date which will be specified in the aforesaid written notice, not to exceed 18 months.
- (f) Neither the Board of Selectmen nor the Board of Education shall draw any order upon the Financial Director unless there is sufficient money appropriated to pay for the object for which such order is drawn and each order shall designate the object for and the account upon which it is drawn. Said Financial Director shall not pay any order unless there are sufficient funds appropriated and available for such object. This section shall not limit in any way the power of the Board of Education to make transfers within its own budget. The Board of Education shall report transfers within its budget in writing monthly to the Financial Director.
- (g) No officer or department of the Town shall expend or vote to incur any liability or expense by contract or otherwise, or enter into any contract, which would obligate the Town to expend in excess of an approved departmental line item appropriation. For the purpose of this Charter, a line item means any expenditure for the current fiscal year to which the Board of Finance has assigned an appropriation account number. Any officer or member of a Town department who, without authority from this Charter or the General Statutes, expends or causes to be expended any money of the Town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town, as provided in the General Statutes.
- (h) Whenever money is borrowed by the Town to fund an appropriation, whether a special appropriation or an appropriation in the annual Town Budget to be funded by borrowing, interest

earned on the money borrowed prior to its expenditure shall be used to reduce the principal amount of the debt, unless the Legislative Council subsequently votes to increase the amount of the appropriation and use some or all of said interest earned to fund the increase.

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

## **6-100 IMPACT STATEMENTS**

(a) Whenever an appropriation for a capital project is proposed by the Board of Selectmen or a department other than the Board of Education in an amount to be established by regulation of the Legislative Council, whether to be funded from Town taxes, a state and/or federal grant or gift or bequest and, whenever a gift of real or tangible personal property is offered to the Town a financial impact statement shall be prepared by the Financial Director for the Board of Finance and Legislative Council. The Legislative Council in its regulations shall designate the form of the financial impact statement. No appropriation shall be made for such capital project, no grant shall be applied for and no gift of real or tangible personal property shall be accepted until the Board of Finance and Legislative Council have received said financial impact statement.

(b) If the Board of Education proposes a capital project in an amount to be established by regulation of the Legislative Council to be funded by a special appropriation, a financial impact statement shall be prepared and submitted to the Board of Finance and Legislative Council. No such special appropriation shall be made until a financial impact statement has been received by the Board of Finance and Legislative Council.

(c) The Legislative Council may by regulation require the Board of Selectmen, the Financial Director and the department requesting an appropriation to be funded in part or wholly by financial assistance from the State of Connecticut or the United States to submit to the Legislative Council for approval, the application for such financial assistance and any supporting data concerning the impact of the conditions and commitments of the request for financial assistance on the present and future Town Budgets, plans for Development and Capital Improvement Plans. The Legislative Council may by regulation, permit the Board of Selectmen to file any application for financial assistance without first submitting it to the Legislative Council.

## **CHAPTER 7 LEGISLATIVE BODIES**

### **7-10 THE LEGISLATIVE COUNCIL**

The Legislative Council shall consist of 12 members, 4 of whom shall be elected from each of 3 Legislative Council districts as nearly equal in population size as is practicable, established in accordance with Section 2-10 (b) of this Charter. Members shall serve without compensation but shall be entitled to reimbursement for just and necessary expenses incurred in the performance of their duties. No member of the Legislative Council shall hold or be appointed to any other office, board or commission of the Town.

### **7-20 ORGANIZATION MEETING - CHAIRMAN AND VICE CHAIRMAN – RULES**

The first meeting of the newly elected Legislative Council shall be held within 6 days after the members take office. At such meeting, chaired by the Town Clerk, the members first shall elect from their number a Chairman and Vice Chairman, neither of whom shall be the First

Selectman. The Legislative Council, from time to time, may adopt rules to govern its procedures not inconsistent with the requirements of this Charter, provided such rules are adopted by a majority of at least 8 affirmative votes. A copy of any such rules shall be filed with the Town Clerk.

### **7-30 CLERK**

The Legislative Council shall appoint a Clerk, not a member of the Legislative Council, who shall keep minutes of meetings, record all votes and other actions of the Legislative Council, prepare the Agenda and notices of all regular and special meetings or cancellation at the direction of the Chairman and perform such other duties as the Legislative Council, from time to time, shall direct.

### **7-40 MEETINGS**

(a) Regular meetings of the Legislative Council shall be held twice a month, except that when no Legislative Council member has notified the Chairman that there is any business which may properly be acted on by the Legislative Council, and the Chairman knows of no such business, then the meeting may be cancelled upon written or oral notice by the Chairman to the members. Special meetings may be called by the Chairman as he deems them necessary.

(b) Notice shall be given to all members of the Legislative Council of the time and place at which all regular and special meetings are to be held. Each such notice shall include the Agenda for the meeting and shall be deposited in the mail or otherwise delivered to each member at least 3 days before the meeting and filed with the Town Clerk and open for public inspection. The Legislative Council may hold an emergency meeting at the immediate call of the Chairman, subject to ratification at that meeting of the Chairman's decision that an emergency existed by at least 8 affirmative votes, in which event the nature of the emergency shall be set forth fully in the minutes of the meeting.

(c) Seven members shall constitute a quorum at all meetings for the transaction of business.

(d) The Agenda of each regular or special meeting of the Legislative Council shall be prepared by the Chairman and, in addition to matters set forth by the Chairman, shall include any matter or item, including without limitation, action or ordinance set forth in a written request filed with the Chairman not less than 7 days prior to such meeting: (1) by any member of the Legislative Council; (2) by the First Selectman; or (3) by not less than 80 persons eligible to vote at Town Meetings. Any such request filed by 80 or more persons eligible to vote at Town Meetings shall contain the resolution or ordinance on which action is sought, which resolution or ordinance shall be submitted to the Town Attorney for his opinion as to the power of the Legislative Council to act thereon and his approval of the form of the resolution or ordinance. Such opinion or approval shall not be unreasonably delayed.

(e) Any person eligible to vote at a Town Meeting may speak during a portion of each regular or special meeting on any matter on the Agenda of that meeting, subject to such conditions, rules and regulations as may be established from time to time by the Legislative Council, including the right to limit public participation in the working sessions on the budget.

(f) Subject to appropriate rules of order adopted by the Legislative Council and Connecticut law on freedom of information, matters not on the Agenda may be discussed. No action shall be

taken by the Legislative Council on any matter unless it appears on the Agenda sent to Legislative Council members with the notice of the meeting unless emergency action is required at any regular or special meeting at which it is found by 8 affirmative votes than an emergency exists or at an emergency meeting called as set forth above.

## **7-50 ORDINANCES**

(a) The Legislative Council, by majority vote consisting of at least 6 affirmative votes, shall have the power to make, alter and repeal ordinances not inconsistent with the Constitution or General Statutes of the State of Connecticut or the provisions of this Charter, for the execution of the powers now or hereinafter vested in the Town for the government of the Town and management of its affairs, the preservation of good order and for the peace, health, welfare and safety of its inhabitants and the protection and security of their property.

(b) Prior to action on an ordinance by the Legislative Council it shall conduct a public hearing at which all persons interested shall be given a reasonable opportunity to be heard on the proposed ordinance.

(c) Notice of the date, time and place of said hearing and the full text of any proposed ordinance shall be published in a newspaper having a substantial circulation in the Town at least 10 days before the day on which such hearing is to be held.

(d) Action by the Legislative Council, either repealing, enacting, or modifying and enacting, or refusing to enact a proposed ordinance shall be taken within 30 days of the hearing held thereon.

(e) Following action by the Legislative Council, notice of said action shall be published in a newspaper having a substantial circulation in the Town within 21 days of such Legislative Council action and filed with the Town Clerk. If the ordinance was modified and enacted as modified, notice of such action shall include publication of the full text of the ordinance as enacted.

(f) Any ordinance enacted shall not become effective sooner than 14 days after the date of publication of such notice and, if no other date is given as the effective date of such ordinance, shall become effective on the fifteenth day after publication. If a referendum is called in accordance with the provisions of Section 7-100 of this Charter, the effective date of such ordinance shall be suspended until the date of the day after the referendum.

## **7-51 REGULATIONS**

Where regulations of the Legislative Council are authorized by this Charter, they shall be adopted, amended or repealed by majority vote of the Legislative Council, consisting of at least 6 affirmative votes. Any proposed regulation, amendment or repeal shall be referred to the Board of Selectmen for comment and consultation prior to action. A similar reference shall be made to the Board of Education, departments or the Financial Director if their interests are affected.

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

The development of the regulation governing the five year Capital Improvement Plan and any subsequent amendments to the regulation shall be the duty of the Legislative Council.

## **7-60 EMERGENCY ORDINANCES**

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

## **7-70 TOWN MEETINGS, ANNUAL TOWN REPORTS, ANNUAL BUDGET REFERENDUM**

(a) Annual Town Reports from boards, commissions, departments and officers are to be presented to the Legislative Council on the first Monday in October each year. The Legislative Council within thirty days of receipt of said reports shall have a notice published in a newspaper having a substantial circulation in Town which indicates that Town Reports have been received and are available in the Town Clerk's Office. Nothing herein shall be deemed to lessen the right of the Legislative Council to request such reports as it deems necessary from such boards, commissions, departments and officers from time to time throughout the year.

(b) An Annual Budget Referendum shall be held on the fourth Tuesday of April for action on the annual budget.

(c) Special Town Meetings shall be called to consider and act upon matters on which such Town Meetings are authorized to act by this Charter as from time to time required.

(d) The Annual Budget Referendum and all Special Town Meetings shall be called by the Board of Selectmen on direction of the Legislative Council or in accordance with the mandate of this Charter upon the giving of the notice required by the General Statutes for the holding of Town Meetings or Referendums.

(e) Each such meeting shall choose a moderator who shall preside at such meeting and any adjournments thereof. The Town Clerk or his/her assistant shall serve as Clerk of all such meetings. Electors of the Town and other persons qualified to vote under the General Statutes may vote at Town Meetings. Town Meeting action shall be by majority vote of those present and voting unless otherwise required by this Charter.

## **7-80 AUTHORITY REGARDING SPECIAL AND EMERGENCY APPROPRIATIONS**

(a) Except as set forth in subsection (b) below, the Legislative Council shall have the power to make special and emergency appropriations, as such appropriations are defined in Section 6-30 (a) of this Charter, in an amount not in excess of \$500,000 for any one item during a fiscal year. Said amount shall be cumulative during the fiscal year as to any one item. The total of special and emergency appropriations made by the Legislative Council for all purposes during a fiscal year shall not exceed an amount equal to one mil on the most recently completed Grand List.

(b) The Legislative Council shall have the power to make special appropriations of any amount which are necessary to implement agreements reached through the process of collective bargaining.

## **7-90 ACQUISITION OR DISPOSITION OF REAL PROPERTY**

(a) The First Selectman with the approval of the Board of Selectmen and with the approval of the Legislative Council, may discontinue any highway and no Town meeting shall be required for such discontinuance.

(b) The Legislative Council, subject to there being appropriations for the specific purpose in the annual budget or by a special appropriation pursuant to Section 7-80 (a) of this Charter, may authorize the purchase or acquisition, including without limitation the acceptance of gifts, with or without conditions, of real property or interests in real property for all Town purposes other than those described in subsection 3-30 (a) (6) of this Charter, the acquisition for nonpayment of taxes described in subsection (c) of this section and open space, parks and playgrounds recommended for acceptance by the Planning and Zoning Commission but not within its power to accept by the provisions of subsection (e) of Section 2-90 of this Charter. Following a decision by the Legislative Council to acquire such real property or an interest in real property, the Board of Selectmen shall authorize an officer, board or commission to act on behalf of the Town in such acquisition.

(c) Following the acquisition of real estate by the Town as a result of non-payment of taxes, the Legislative Council may, for a period of 90 days thereafter, vote to reserve said property for Town purposes, provided that if the amount of the tax, interest, lien, fees and other costs exceed \$50,000, the Legislative Council may recommend such reservation to a Town Meeting, which shall then have the power to act on such reservation for said 90 day period.

(d) All sales of real property acquired for non-payment of taxes and not reserved for Town use within 90 days as set forth in subsection (c) of this section shall be sold either at public auction or by sealed bid as determined by the Tax Collector. A permanent record of each transaction involving property so acquired shall be maintained by the Tax Collector in accordance with the provisions of the General Statutes.

(e) The sale, abandonment, lease or other disposition of Town-owned real property or interests in real property shall require the approval of a Town Meeting but such approval may be made only by the Town Meeting following a recommendation of such sale, abandonment, lease or disposition by the Legislative Council. Following such approval, the First Selectman shall carry out such sale, abandonment, lease or other disposition, subject to the requirements of subsections (f) to (h), inclusive, of this section.

(f) All sales, leases or other disposition of real property or interests in real property

authorized in accordance with subsection (e) of this section, shall be by sealed bid unless the Board of Selectmen directs that a particular sale be by public auction. If the authorization of the Town Meeting is contingent upon obtaining a particular price, no bid less than the amount approved by the Town Meeting may be accepted.

(g) All sales, leases or other dispositions of real property or interests in real property conducted by sealed bid or public auction, whether of property acquired for taxes or otherwise, shall be conducted in accordance with the following procedure:

(1) Notice of such sale, including the terms thereof, shall be advertised in a newspaper having a substantial circulation in Newtown and the surrounding area at least twice, with the first such notice not less than 14 days prior to the date sealed bids are due or the auction is to be held.

(2) All bids shall be accompanied by a deposit of 10% of the amount of the bid in cash, certified or bank check except that at sales by auction such deposit shall only be required of the successful bidder at the time his bid is accepted. In the event that the bidder who is accepted, following submission of sealed bids or at public auction, does not tender the balance of his/her bid within 30 days after the acceptance of his/her bid, the amount so deposited by him/her shall be retained by the Town as liquidated damages and the Town shall forthwith be free to re-advertise and resell said property pursuant to procedures set forth herein, without further obligation to the original successful bidder. The Board of Selectmen may extend the 30 day period for 60 additional days if it finds that such default by the acceptable bidder has occurred through no fault of said bidder. If the successful bidder at auction is unable to make such 10% deposit immediately upon acceptance of his bid, the property shall be forthwith re-auctioned until the sale can be completed in the manner prescribed herein, with such previous bidder or his/her agent disqualified from bidding anything less than his/her first successful bid.

(h) Where the First Selectman with the approval of the Board of Selectmen finds following Town Meeting approval of sale, lease or other disposition of real property or interest therein that it is in the best interest of the Town to conduct a private sale rather than a sealed bid or auction, it may authorize the sale, lease or other disposition of such real property or interest therein by private sale after reasonable notice of such proposed action, subject to approval by affirmative vote of two-thirds of the entire authorized membership of the Legislative Council. Said notice shall be published in a newspaper having substantial circulation in the Town at least twice and shall describe the property or the interest therein being sold or leased and shall contain the price of the proposed private sale. It shall be a condition of any such proposed private sale that if a higher offer or offers are received from responsible offerors during the 10 days following publication of the first legal notice, that said private sale shall not be consummated and such property shall be sold to the highest such responsible offeror subject to further publication, the 10 day waiting period and the receipt of even higher offers, and provided, prior to starting the publication process over again, the offeror, whose offer is then being accepted, shall pay all costs of the Town incurred in connection with such sale. Publication shall occur within 10 days of the expiration of the original 10 day period. The foregoing publication procedure and 10 day waiting period shall be followed for each subsequent offer accepted by the Town.

### **7-100 RIGHT OF REFERENDUM**

(a) Any special appropriation made by the Legislative Council pursuant to Section 7-80 of

this Charter, any proposed ordinance rejected, enacted, modified and enacted or repealed by the Legislative Council pursuant to Section 7-50 of this Charter, and any vote to acquire, reserve or dispose of real property or an interest in real property pursuant to subsections (a) to (e), inclusive, of Section 7-90 of this Charter shall be subject to a referendum in accordance with this section.

(b) Any action taken by a Town Meeting is subject to a referendum in accordance with the provisions of this Section.

(c) The procedure to obtain a referendum authorized by this section is as follows:

(1) At the close of business on the seventh day following the date on which the Legislative Council or Town Meeting acted, a petition signed by at least 5% of the electors listed in the last-completed registry list may be filed with the Town Clerk. The Town Clerk shall immediately determine the number constituting 5% of the last-completed registry list, verify whether or not said number of electors have signed such a petition and report said fact to the Board of Selectmen. Any action of the Legislative Council or Town Meeting to be filed with the Town Clerk must be filed before 12 noon on the day of the filing.

(2) Said petition shall set forth in its entirety the resolution acted upon by the Legislative Council or Town Meeting which the petitioners desire to have acted upon by referendum and shall state what action the Legislative Council took with regard to such resolution. The form of said petition shall be submitted to the Town Clerk prior to being circulated. The petition shall state that the undersigned petitioners are opposed to the above action of the Legislative Council or Town Meeting and petition that the above resolution be presented to the voters. A circulator's statement meeting the requirements of the General Statutes shall appear on every sheet on which a petitioner's signature appears. No signatures on any petition circulated prior to the taking of action by the Legislative Council or Town Meeting shall be counted in determining whether sufficient signatures have been received to force a referendum. The date on which the circulator began to circulate the petition shall be set forth in the statement of the circulator.

(3) Upon receipt of petitions bearing sufficient verified signatures, the Board of Selectmen shall warn a referendum to be held not less than 7 nor more than 14 days after the receipt of said petition by the Town Clerk, which warning must be published at least once in a newspaper having a substantial circulation in the Town 5 or more days prior to the date of the referendum. In computing said 5 days, the day of the referendum shall be excluded, but the day of publication, Saturdays, Sundays and legal holidays shall be included. All persons qualified to vote at a Town Meeting shall be eligible to vote in such referendum which shall be held between the hours of 6:00 A.M. and 8:00 P.M. on the date set.

(4) The question to be voted upon by referendum shall be the same resolution as was acted upon by the Legislative Council or Town Meeting, without amendment.

(d) The foregoing shall be the exclusive method for obtaining referendums on questions on which the Legislative Council or Town Meeting is authorized to act.

- (e) On the day of a referendum the polling places shall be open from 6 am to 8 pm.

## **CHAPTER 8 TRANSITION AND MISCELLANEOUS**

### **8-01 EFFECTIVE DATE**

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

### **8-02 DEFINITION OF DEPARTMENT**

The term "department" shall include the offices of Tax Collector, Town Clerk, Assessor, Registrar of Voters, Judge of Probate, or the Legislative Council, or each board or commission to which funds are appropriated in the Annual Budget, or the Public Works Department which shall be considered a separate department from the remainder of the functions for which appropriations are expended by the Board of Selectmen and any other body or group which is designated a department by the Legislative Council on or before the October 1st in the year prior to the adoption of the Town Budget.

### **8-10 ANNUAL TOWN REPORT**

All officers, boards, commissions and departments of the Town shall submit a report of their activities during the previous fiscal year to the Town Clerk prior to October 1. The Town Clerk shall prepare and publish the annual Town report as soon as practical thereafter.

### **8-20 JUSTICES OF THE PEACE**

There shall be 15 justices of the peace, serving 4 year terms, selected in accordance with and having the powers and duties prescribed by the General Statutes.

### **8-30 ORDINANCES APPLICABLE TO THE BOROUGH OF NEWTOWN**

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

### **8-40 OATHS OF OFFICE**

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

### **8-50 AMENDMENT OF THE CHARTER**

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

**8-60 SCHEDULES OF SUPERSEDED ACTS**

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

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

**8-70 SAVINGS CLAUSE**

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

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