



# Stonington Connecticut

Stonington Town Hall 152 Elm St., Stonington, CT 06378  
Monday - Friday, 8:30am - 4:00pm

## STONINGTON TOWN CHARTER (Revised 11/3/2015)

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## STONINGTON CHARTER (Revised 11/3/15)

### CHAPTER 1 - INCORPORATION AND GENERAL POWERS

#### Section 1-1. Incorporation

All the inhabitants dwelling within the territorial limits of the Town of Stonington, as heretofore constituted, shall continue to be a body politic and corporate under the name of “the Town of Stonington”, and hereinafter called “the Town”, and as such 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, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut, as amended, hereinafter called “the General Statutes”.

#### Section 1-2. Rights and Obligations

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate, whether accrued or not, in the Town 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 shall be liable on said date. Nothing herein contained shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien.

If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect.

#### Section 1-3. General Grant of Powers

In addition to all powers granted to Towns under the Constitution and the General Statutes of the State of Connecticut or which may hereafter be conferred, the Town shall have all powers specifically granted by this Charter and all powers implied in or incident to the powers expressly granted, all powers conferred by Section 7-194 of the General Statutes and by Special Acts of the General Assembly not



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inconsistent with this Charter. The Town shall also have all other powers including the power to enter into contracts with the United States Government or branch thereof, the State of Connecticut or any agency or political subdivision thereof, or any body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other Chapter of this Chapter shall not be construed as limiting this General Grant of Powers but shall be considered as an addition thereto.

## CHAPTER II - ELECTIONS

### Section 2-1. State and Town Elections

Nomination and election of State officers, Judge of Probate, Justices of the Peace and Registrars of Voters shall be conducted as prescribed by the General Statutes and this Charter.

Nomination and election of Town Officers and elected members of Boards and Commissions as set forth in this Charter shall take place at the Regular Town Election on the first Tuesday after the first Monday in November of each odd numbered year.

The Registrars of Voters shall prepare a list of electors qualified to vote in the manner prescribed in the Constitution and the General Statutes.

### Section 2-2. Eligibility for Office

Any person nominated, elected or appointed to fill a vacancy in an Elective Office shall, at the time thereof, be a qualified resident elector in the Town and any Elective Office shall be deemed to be vacant when the holder ceases to be a qualified resident elector, as so defined by the General Statutes.

### Section 2-3. Voting Districts

There shall be five (5) voting districts as presently constituted and neither the number nor the boundaries thereof shall be changed except by Ordinance approved by a majority of the electors voting



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thereon at a Regular Town Election. No such change shall be made within one hundred eighty (180) days prior to an Election.

## Section 2-4. Vacancies in Elective Offices

- A. The Board of Selectmen shall fill by appointment a vacancy in any Elective Town Office, except the Board of Education and the Board of Finance, within sixty (60) days from the time that the office became vacant, said appointment shall be for the unexpired portion of the term. Vacancies on the Boards of Education and Finance shall be filled by the remaining members of that board until the next municipal Town election, at which election successors shall be elected for the remaining unexpired portions of the terms. In the event that a vacancy still exists after the passage of sixty (60) days on the Boards of Education and Finance, the Board of Selectmen shall be empowered to fill said vacancy until the next Regular Town Election, at which election successors shall be elected for the remaining unexpired portions of the terms.
- B. Whenever a person vacating an office shall have been elected as a member of a political Party, such vacancy shall be filled by the appointment of a member of the same political party or shall be an unaffiliated voter.
- C. Vacancies in the Board of Selectmen shall be filled in the manner prescribed in the General Statutes.

## Section 2-5. Minority Representation

The maximum number of members or alternate members of any board, commission or committee, or similar body of the town, whether elected or appointed, who may be a member of the same political party shall accord with state statutes as follows:

Column I	Column 2
Total Membership	Maximum from One Party
3.....	2
4.....	3
5.....	4
6.....	4



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7.....	5
8.....	5
9.....	6
More than 9.....	Two-thirds of total membership

## Section 2-6. Breaking a Tie

When any regular or Special Town Election, Primary Election or Referendum conducted pursuant to the provisions of this Charter results in a tie vote, an Adjourned Election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine the election. If there should be another tie, the matter shall be determined by vote of the Board of Selectmen with the Town Clerk casting a tie-breaking vote if necessary.

## Section 2-7. Term Limits

Members of the Boards of Finance and Education shall serve no more than three (3) consecutive 4-year elected terms. After completing said terms no member shall be allowed membership for four years. As of the effective date of this Charter revision, for the members seated on the Boards of Finance and Education, the term they are currently serving shall be considered their first term.

## CHAPTER III - THE TOWN MEETING

### Section 3-1. General

The Town Meeting shall have authority for final approval of those actions of the Town hereinafter enumerated, and when considering such actions said Meeting shall be deemed to be the legislative body of the Town. All persons deemed to vote in Town Meetings as prescribed in Sec. 7-6 of the General Statutes shall be eligible to vote in Town Meetings called pursuant to this Chapter and shall be eligible to vote in special Referenda called pursuant to this Chapter.

### Section 3-2. Annual Town Budget Meeting





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The Annual Town Budget Meeting for the consideration of the Budget shall be convened in accordance with Sec. 9-1 of this Charter and shall be held not later than the third Monday in May at such hour and at such place as the Board of Selectmen shall determine. The Board of Selectmen may request the presence at such meeting of department heads and/or representatives of each Board, Agency, Commission or Committee of the Town.

## Section 3-3. Special Town Meetings

Special Town Meetings shall be called by the Board of Selectmen for consideration of the following:

1. The issuance of bonds and all other forms of financing, the terms of which are in excess of one (1) year, in accordance with Charter Section 9-4.
2. Any appropriation supplemental to those provided in the Annual Budget which increases total supplemental appropriations in the current Annual Budget to an aggregate amount in excess of one-half of one percent (.5%) of the total current Annual Budget, in accordance with Charter Section 9-3c.
3. Real estate purchases by the Town.
4. The sale or disposition of any Town owned real property and the sale or disposition of any Town owned personal property whose value exceeds \$5,000.
5. The creation, termination or modification of any permanent Board, Agency, Commission, Committee or Department of the Town not otherwise provided for in this Charter.
6. Real estate leases and/or real estate lease options to which the Town is a party and which involves a term in excess of five (5) years.
7. Proposals for municipal improvements disapproved by the Town's Planning and Zoning Commission pursuant to the provisions of Sec. 8-24 of the General Statutes.
8. Such other matters or proposals as may be required by the provisions of this Charter, or as the Board of Selectmen, in its discretion, shall deem to be of sufficient importance to be



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submitted to a Special Town Meeting, including the adoption, modification or repeal of any Ordinance.

## Section 3-4. Power of Initiative – Town Meeting Action

- A. The electors of the Town shall have the power to call a Town Meeting to:
  - 1. Adopt ordinances.
  - 2. Repeal or modify existing Ordinances.
  - 3. Take actions on those matters enumerated in Sec. 3-3 of this Charter.
  
- B. The procedure to be followed shall be:
  - 1. A Petition may be filed by any elector of the Town with the Town Clerk and except otherwise provided herein, such Petition shall conform to the requirements of Sections 7-9 and 7-9a of the General Statutes.
  - 2. Said Petition, or counterpart thereof, shall contain the full text of the Proposal and/or Ordinance and shall be signed in ink or indelible pencil by no less than 20 eligible electors of the Town as determined from the latest official lists of the Registrars of Voters.
  - 3. Said Petition, or counterpart thereof, shall be accompanied with affidavits signed and sworn to by each circulator as provided on Section 7-9 of the Statutes.
  - 4. The Town Clerk shall within ten (10) days after receipt of said Petition, determine whether the Petition and counterparts thereof received are sufficient as required by law, and if so, shall certify said Petition to the Board of Selectmen.
  - 5. The Board of Selectmen may refer the Petition to the Town Attorney for their review and comments.



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6. Within fifteen (15) days of the receipt of said Petition, so certified, the Board of Selectmen may hold a public hearing thereon.
7. Within fifteen (15) days of any such public hearing or the certification of said Petition, as the case may be, the Board of Selectmen shall call a Special Town Meeting to take action on said Petition.
8. At a Special Town Meeting, a vote of the majority of those electors voting shall be necessary to approve such Petition.

## Section 3-5. Power to Overrule – Town Meeting Action

- A. All actions, except the adoption of the Annual Budget, including a negative action, of any Town Meeting shall be subject to Overrule by a Referendum in the following manner.
  1. If within ten (10) days after such action of the Town Meeting, a Petition conforming to the requirements of Sec. 7-9 and 7-9a of the General Statutes and signed in ink or indelible pencil, by no less than two hundred (200) qualified voters of the Town, as determined by the latest official voting lists of the Registrars of Voters, is filed with the Town Clerk requesting its reference to the voters of the Town at a Special Referendum, the effective date of such action, if an affirmative action, shall be suspended.
  2. Said Petition, or counterparts thereof, shall be accompanied with affidavits signed and sworn to by each circulator as provided in Section 7-9 of the General Statutes.
  3. The Town Clerk, within ten (10) days after receipt of said Petition, and counterparts thereof, shall determine whether said Petition and affidavits are sufficient as prescribed by law, and if so, certify said Petition to the Board of Selectmen.
  4. Within fifteen (15) days of receipt of said Petition, so certified, the Board of Selectmen shall fix the time and place of said Special Referendum which shall be held not less than twenty (20) nor more than forty-five (45) days after certification of said petition. A notice thereof shall be given in the manner provided by law for the calling of a Town Referendum.



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- B. Any action so referred shall take effect upon the conclusion of such Referendum unless a majority of those persons voting thereon, shall have voted in favor of overruling such action. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Sec. 7-7 of the General Statutes.

## Section 3-6. Procedure

- A. All Town Meeting shall be called in accordance with Sec. 7-3 of the General Statutes by Resolution of the Board of Selectmen fixing the time and place of said meeting. Notice of any such Meeting shall be given at least five (5) days in advance by publication in a newspaper having general circulation in the Town and by posting a notice in a public place.
- B. All Town Meetings shall be called to order by the First Selectman or their representative. A Moderator shall be elected and all business conducted pursuant to Chapter 90 of the General Statutes. The Town Clerk shall serve as Clerk of all Town Meetings, or if absent, a Clerk may be designated by the Moderator.
- C. Any Town Meeting may be recessed from time to time as the interests of the Town may require, and the Moderator may entertain a motion to recess such Meeting.

## CHAPTER IV - BOARD OF SELECTMEN

### Section 4-1. Composition

There shall be a three (3) member Board of Selectmen consisting of a First Selectman and two (2) other Selectmen. The Board shall be elected every two years in the odd numbered years. No more than two (2) members of the Board shall be members of the same political party. No member of the Board of Selectmen shall hold any other Elected Town Office except Justice of the Peace.

### Section 4-2. Meetings

- A. The Board of Selectmen shall hold Regularly Scheduled Monthly Meetings.



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- B. Special meetings may be called at any time by the First Selectman or by any two (2) Selectmen. Two members shall constitute a quorum for the transaction of business at any Regularly Scheduled or Special Meeting.
- C. No vote shall be adopted by fewer than two (2) affirmative votes, except a vote to adjourn or to set the date of the next Meeting.
- D. At each Regular and Special Meeting of the Board, there shall be set aside a time for public participation during which time any member of the public may address the Board concerning any matter.
- E. The Board shall appoint someone to keep the minutes and to record all votes and other actions taken by the Board.

## Section 4-3. General Powers of the Board of Selectmen

- A. The Board of Selectmen shall have all the powers, duties and responsibilities conferred upon it by this Charter and the General Statutes and all powers proper, incidental or convenient to their exercise.
- B. Except as otherwise provided by this Chapter, the Board shall have all powers, duties and responsibilities which were conferred on Boards of Selectmen when this Charter was adopted and which may be conferred upon said Board by any General Statute, Special Act, or Amendment, thereto, enacted after this Charter is adopted.
- C. The Board shall have the authority to apply for and enter into agreements with State and Federal Agencies for the purpose of receiving and expending funds when such grants would not incur any additional financial obligations on the Town. Where such grants do involve financial obligations other provisions of this Charter concerning the appropriations should apply.
- D. The Board of Selectmen shall have all powers conferred upon it by Resolution or Ordinance.

## Section 4-4. General Duties and Responsibilities



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The Board of Selectmen shall: ensure that the acts, policies, Resolutions and Ordinances of the Board and Town Meeting are carried out and implemented, except where such act, policy, Resolution or Ordinance specifies otherwise; conduct a continuous review of the current and projected administrative, fiscal and capital needs of the Town; prepare and publish an Annual Report setting forth the amount, purpose and proposed method of financing projected capital expenditures; obtain such information as may be required from any Office, Board, Agency or Commission in order for the Board to carry out its functions and duties.

## Section 4-5. Specific Power

- A. The Board of Selectmen shall have the power to appoint members of all Boards, Agencies, Commissions and Offices pursuant to Chapter VII of this Charter.
- B. Acceptance of Gifts. The Board of Selectmen may accept gifts and dedications to the Town on behalf of the Town.
- C. Disposition of Town Property. The Board of Selectmen shall have the authority to dispose of any Town owned personal property whose value does not exceed \$5,000. The question of the disposition of all real property and of all personal property whose value exceeds \$5,000 shall be submitted by the Board of Selectmen to a Special Town Meeting.
- D. Filling of Vacancies. The Board of Selectmen shall fill unexpired terms of all vacancies that may exist on all appointed Boards, Commissions, Agencies and Committees. Vacancies may be filled without regard to any party affiliation but shall comply with state statutes on minority representation.
- E. Temporary Advisory Commissions. The Board of Selectmen may create temporary Advisory or Study Commissions to advise and make recommendations to the Board.
- F. Public Emergency. The Board of Selectmen may take such action as it deems advisable whenever a public emergency threatens the lives, health or property of citizens. Any declaration of a public emergency shall automatically stand repealed at the end of thirty-five days, unless re-enacted by the Board of Selectmen. Expenditures to meet an emergency shall be made in accordance with Sec. 9-5 of this Charter.



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- G. Capital Improvement Program Committee. The Board of Selectmen shall appoint the members of the Capital Improvement Program Committee.
  
- H. Collective Bargaining Agreements. The Board of Selectmen shall have the authority to accept or reject collective bargaining agreements negotiated under the provisions of the Municipal Employees Relations Act.

## CHAPTER V - THE FIRST SELECTMAN

### Section 5-1. General Powers

To the extent not inconsistent with this Charter, the First Selectman shall have all powers, duties and responsibilities conferred upon that Office by the General Statutes or applicable Special Acts, or by Ordinance, and shall perform all the functions of that Office. The First Selectman shall be the full-time, Chief Executive Officer of the Town, and shall be responsible for the day-to-day operations of the Town. The First Selectman shall be recognized as the official head of government for all ceremonial, civil and military purposes.

### Section 5-2. Duties of the First Selectman

The First Selectman shall act for the Board of Selectmen in administering the affairs of the Town and shall be responsible for:

1. The coordination of the Departments, Offices, Boards, Agencies, Commissions and Committees of the Town, except those functions expressly reserved or delegated to such bodies by law or by this Charter.
  
2. The execution and carrying out of Ordinances, Resolutions, Regulations, Policies and other actions of the Board of Selectmen and Town Meeting.
  
3. The purchase of supplies, materials, equipment and other commodities pursuant to requests submitted by any Officer, Department Head, Board, Agency, Commission, or Committee of the Town, except the Board of Education, pursuant to the provisions of Chapter IX.



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4. The maintenance and custodial work for all public building, parks, playgrounds, road or other facility except where such responsibility is specifically granted to another Board, Agency or Department by this Charter or by ordinances adopted pursuant to this Charter.
5. The entering into and execution of contracts on behalf of the Town for any services required by any Office, Board, Agency, Commission, Committee of the Town, except the Board of Education.

## Section 5-3. Delegation and Assignment of Duties

- A. The First Selectman may assign and delegate duties appropriately.
- B. The First Selectman shall be an ex-officio member of all Boards, Agencies, Commissions and Committees of the Town, but without the right to vote and may appoint, in writing, another Selectman as representative hereto.

## Section 5-4. Acting First Selectman

- A. Within thirty days after a Board of Selectman has taken office, the Board shall elect one of its members to function as Acting First Selectman in the absence of the First Selectman.
- B. The acting First Selectman shall have all duties and responsibilities of the First Selectman.
- C. The Acting First Selectman shall serve as follows:
  1. When so instructed in writing by the First Selectman, during the temporary absence of the First Selectman.
  2. Automatically, in the event the First Selectman shall be absent from office for more than thirty (30) consecutive days.
  3. Whenever the Board of Selectmen shall declare that an Emergency exists and the First Selectman cannot be reached. The absence of the First Selectman shall not constitute an Emergency.





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4. When a vacancy occurs in the office of First Selectman. If a vacancy occurs, said vacancy shall be filled pursuant to the applicable General Statutes.

## CHAPTER VI - ELECTIVE OFFICIALS AND BOARDS

### Section 6-1. General

The provisions of Chapter II shall govern the election of Town and State Officers.

Except as otherwise provided in this Chapter, all Elective Officers and Boards shall have the powers and duties prescribed for such Officers in the General Statutes. The terms of office of all Elective Officers and members of Boards (except the Town Clerk) shall commence on the second Tuesday following the Election and they shall continue to hold office until their successors have been chosen and qualified.

### Section 6-2. Town Officers

At each biennial Town Election, the following officers shall be elected, all for a term of two years unless otherwise indicated:

- a. A Board of Selectmen, consisting of a First Selectman and two (2) other Selectmen. The votes for the unsuccessful candidate for First Selectman shall be counted as votes for said candidate as a member of the Board, provided, however, that no elector shall be a candidate for both the office of First Selectman and that of Selectman.
- b. One Town Clerk; term commences the First Monday of January following the Election and shall continue for a term of four years.
- c. One Tax Collector for a term of four years.
- d. One Town Treasurer



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- e. Eight Constables, four (4) from each party.

## Section 6-3. State Mandated Officials

At each State Election, the following shall be elected:

- a. Two (2) Registrars of Voters, one (1) from each party, said terms to commence on the first Monday in January after their election.
- b. One (1) Judge of Probate
- c. Twenty-two (22) Justices of the Peace from each major party and twenty-two (22) from a minor party or unaffiliated voters. Said terms to commence on the first Monday in January after their election.

## Section 6-4. Board of Education

- A. The Board of Education shall consist of seven (7) members each of whom shall be elected for the term of four (4) years.
- B. At each biennial town election, the voters shall be able to vote for the full number to be elected: each political party may nominate the full number to be elected, to wit: three (3) candidates nominated before the election November 1999, and four (4) candidates nominated before the election November 2001 and so alternating at each biennial election.
- C. Vacancy procedures for the Board of Education are addressed in Section 2-4 of the Charter.
- D. Upon their election, the members of the Board shall organize and select a chair and a secretary, who shall not be members of the same political party.
- E. Four (4) members of said board shall constitute a quorum for the transaction of any business.
- F. Except as otherwise provided by this Charter, the Board of Education shall perform duties and have such powers as are or may be imposed or vested by the General Statutes upon



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Boards of Education. It shall perform all acts required of said Board by the Town and those acts necessary to carry into effect the powers and duties imposed upon said Board by law.

## Section 6-5. Board of Finance

- A. The Board of Finance shall consist of seven (7) members, each of whom shall be elected for a Term of four (4) years.
- B. At each biennial town election, the voters shall be able to vote for the full number to be elected: each political party may nominate the full number to be elected, to wit: three (3) candidates nominated before the election November 2017, and four (4) candidates nominated before the election November 2019 and so alternating at each biennial election.
- C. Vacancy procedures for the Board of Finance are addressed in Section 2-4 of the Charter.
- D. Upon their election members of the Board shall organize and select a chair and a secretary, who shall not be members of the same political party.
- E. Four (4) members of said board shall constitute a quorum for the transaction of any business. In any tie vote, the Board shall not adjourn until the matter has been resolved.
- F. The Board of Finance shall have all powers and duties prescribed by the General Statutes insofar as they do not conflict with the provisions of this Charter.

## Section 6-6. Board of Assessment Appeals

The Board of Assessment Appeals shall consist of three (3) members each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

The Board of Assessment Appeals shall have all powers and duties prescribed by the General Statutes to review and adjust assessments of property, and such other powers as may be prescribed in said Statutes.



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## CHAPTER VII - APPOINTIVE OFFICERS BOARDS OR COMMISSIONS

### Section 7-1. General

The Boards, Commissions, Agencies and Officers listed in this section shall be appointed by majority vote of the Board of Selectmen upon review of all applications received by the Board. An interview may be held with each candidate by the Board of Selectmen. The provisions of Chapter II with respect to minority representation shall govern.

Appointed Boards, Commissions, Agencies, and Officers shall report in writing to the First Selectman on their activities and budgetary compliance not less frequently than quarterly. Said reports shall be available to the public.

The powers, duties and responsibilities of the Appointed Boards, Agencies, Commissions and Officers contained in this Chapter shall continue in full force and effect unless or until changed or modified by action of the Town Meeting or General Statutes.

### Section 7-2. Duties

Except as otherwise provided in this Charter, the duties of Appointed Officers and Boards, Agencies, and Commissions shall be as prescribed in applicable Ordinances and the General Statutes.

### Section 7-3. Terms

The terms of office shall be as established by Ordinance.

### Section 7-4. The Board of Police Commissioners

- A. There shall be a five member Board of Police Commissioners.
- B. There shall be a Department of Police which shall be governed by the Board of Commissioners. Except as otherwise provided by this Charter, the Board of Police Commissioners shall have all the powers, responsibilities and duties of police commissions as



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are provided by the General Statutes and pursuant to the Home Rule Ordinance adopted by the electors on November 5, 1974. The Board of Police Commissioners shall appoint the Chief of Police.

## Section 7-5. Planning and Zoning Commission

There shall be a Planning and Zoning Commission with five members and three alternates.

## Section 7-6. Zoning Board of Appeals

There shall be a Zoning Board of Appeals with five members and three alternates.

## Section 7-7. Inland Wetlands and Water Courses Commission

There shall be an Inland Wetlands and Water Courses Commission with seven members and two alternates.

## Section 7-8. Conservation Commission

There shall be a Conservation Commission with seven members and one alternate.

## Section 7-9. Recreation Commission

There shall be a Recreation Commission with seven members and two alternates.

## Section 7-10. Economic Development Commission

There shall be an Economic Development Commission with nine members and three alternates.

## Section 7-11. Housing Authority

There shall be a Housing Authority with five members.



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## Section 7-12. Waterfront Commission

There shall be a Waterfront Commission with seven members.

## Section 7-13. Harbor Management Commissions

There shall be a Harbor Management Commissions established in accordance with Town ordinances.

## Section 7-14. Shellfish Commission

There shall be a Shellfish Commission with five members.

## Section 7-15. Building Code Board of Appeals

There shall be a Building Code Board of Appeals with five members.

## Section 7-16. Code of Ethics Commission

There shall be a Code of Ethics Commission with five members.

## Section 7-17. Water Pollution Control Authority

- A. There shall be a Water Pollution Control Authority with five members.
- B. There shall be a Department of Water Pollution Control which shall be governed by the Water Pollution Control Authority. Except as otherwise provided by this Charter, the Water Pollution Control Authority shall have all the powers, responsibilities and duties of such Authorities as are provided by the General Statutes.

## Section 7-18. Commission on Aging

There shall be a Commission on Aging with twelve members.



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## Section 7-19. Stonington Resource Recovery Authority

There shall be a Stonington Resource Recovery Authority. The Board of Selectmen shall serve as the Stonington Resource Recovery Authority.

## Section 7-20. Town Attorney

The Board of Selectmen shall retain a Town Attorney to serve at the will and pleasure of the Board.

## CHAPTER VIII - ADMINISTRATIVE DEPARTMENTS

### Section 8-1. General

A. There shall be the following administrative departments:

1. Administrative Services
2. Assessment
3. Finance
4. Planning
5. Public Works
6. Human Services

B. The Administrative Services, Finance, Planning, Public Works and Human Services Departments shall each have a Director who shall be appointed by the majority vote of the Board of Selectmen. The Assessment Department shall have a Director who shall be appointed by the majority vote of the Board of Finance. In the event of a vacancy in a Department Directorship or the inability of a Director to serve, the duties thereof shall be the responsibility of the First Selectman with the exception of the Assessor. The Assessor shall be filled by a majority vote of the Board of Finance within thirty (30) days after the occurrence of such a vacancy.



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- C. The Department Directors shall be responsible for the conduct of the personnel in their Departments and shall report and work under the direction of the First Selectman. The Department Directors shall be responsible for the actions required under the General Statutes and nothing in this Charter shall be considered as lessening this responsibility. The appointment and removal of all personnel of the Town shall be pursuant to applicable Ordinances, collective bargaining agreements and the Town Employee Personnel Policy Manual.
- D. Additional departments may be established by Ordinance adopted by the Town Meeting and headed by a Director together with such other employees as may be provided. These Departments shall have powers, duties and responsibilities as may be provided by Ordinance.
- E. Reports shall be filed with the First Selectman and the Board of Selectmen as they shall require. It shall be the responsibility of the First Selectman to assure that proper staff assistance is available to Boards, Agencies, Committees, and Commissions within their budgets.

## Section 8-2. Administrative Departments

### A. Department of Administrative Services

There shall be a Department of Administrative Services, headed by a Director of Administrative Services together with such other employees as may be provided, which shall have such powers, duties and responsibilities as are provided in this Charter and by Ordinance and by Resolutions adopted by the Board of Selectmen. The Department shall provide administrative support to the First Selectman in discharging their duties as Chief Executive Officer and shall be responsible for but not limited to creating and administering the Town Employee Personnel Policy Manual and pay plan and such other activities as may be related to the personnel functions of the Town. The Director shall serve as personnel officer of the town and shall represent the Town in collective bargaining with employee organizations. The Department shall be responsible for the operation of the Community Development Program as well as the Capital Improvement Program in conjunction with the Capital Improvement Program Committee.

### B. Department of Assessment

There shall be a Department of Assessment, headed by the Tax Assessor as the Director together with such other employees as may be provided. The Department shall have such powers, duties and





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responsibilities as are provide in this Charter and which may be provided by Ordinance and by Resolutions adopted by the Board of Selectmen. The Department shall have the following duties in addition to any powers set forth under Section 10-4 of this Charter:

1. Compile an annual Grand list of real and personal property and report the status thereof to the Board of Finance, First Selectman and Fire Districts;
2. Maintenance of the assessment of real and personal property;
3. Oversee periodic revaluations.

## C. Department of Finance

There shall be a Department of Finance, headed by a Director of Finance together with such other employees as may be provided. The Department shall have such powers, duties and responsibilities as are provided in this Charter and which may be provided by Ordinance and by any Resolutions adopted by the Board of Selectmen. The Department shall have the following duties:

1. Compile the budget; administer expenditures thereunder and report the status thereof to the First Selectman as well as any Department Director, Board, Commission or Agency involved.
2. Maintain the accounting system and be responsible for all purchasing procedures, expenditures and financial record keeping;
3. Collect taxes, licenses fees, and sewer assessments;
4. Disburse and invest all Town funds. The Director shall be the Chief Fiscal Officer of the Town and shall have direct supervision over all of the financial dealings of the Town. In addition to the Director, the Department shall consist of a Tax Collector and Town Treasurer.

## D. Department of Planning

There shall be a Department of Planning, headed by a Director together with such other employees as may be provided, which Department shall have such powers, duties and responsibilities as



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may be provided by Ordinance. The Department shall be responsible for the development of long range planning needs including the Plan of Development and the review of development applications.

## E. Department of Public Works

There shall be a Department of Public works, headed by a Director of Public Works together with such other employees as may be provided, which Department shall have such powers, duties and responsibilities as may be provided by Ordinance and by Resolutions adopted by the Board of Selectmen. The Department shall have the responsibility for supervision and control of maintenance of all Town owned buildings except for those under the control of the Board of Education. The Department shall be responsible for but not limited to: highways, sidewalks, curbs, street lighting, storm drainage systems, trees, engineering and the collection and disposal of solid wastes.

The Department may be responsible for administering and enforcing all Fire, Building, Health and other such codes as determined by Ordinance.

## F. Department of Human Services, Housing and Recreation

There shall be a Department of Human Services, Housing and Recreation, headed by a Director Together with such other employees as may be provided, which Department shall have such powers, duties and responsibilities as may be provided by Ordinance and by any Resolutions adopted by the Board of Selectmen. The Department shall be responsible for recreation, social service needs and related activities and shall include for administrative purposes the Housing Authority.

## CHAPTER IX - FINANCE AND TAXATION

### Section 9-1. Budget

#### A. Form of Budget

Not later than January 1, each Department, Office, Board or Commission of the Town, supported wholly or in part by Town funds, or for which a specific Town appropriation is made, except the Board of Education, shall prepare and submit to the First Selectman a detailed estimate of the expenditures to be made and the anticipated revenue other than tax revenue to be received during the ensuing fiscal year.



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The Board of Education shall submit its budget request by March 1. The First Selectman, after consultation with the Director of Finance and Board of Education or its agent, shall prescribe the format for budget presentation which shall include as a minimum comparative statistics for the current and preceding fiscal year operations.

## B. Duties of the First Selectman on the Budget

Not later than the fifteenth day of March, the First Selectman shall present to the Board of Finance and the Board of Selectmen an itemized annual operating budget, including the Board of Education budget, consisting of:

1. A budget message highlighting the important features of the budget plan, indicating any major changes from the current fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes, and containing a general summary of its contents;
2. Revenue data, presenting in parallel columns, the itemized revenues collected in the last completed fiscal year, the current year budget estimate, estimated revenues to be collected during the current fiscal year and estimated revenues to be collected during the ensuing fiscal year;
3. Expenditure data, presenting in parallel columns, the actual itemized expenditures for each Department, Office, Board, Commission or Agency supported wholly or in part by Town funds, including the Board of Education, for the last completed fiscal year. The data is to include the original current budget allocations; the estimated expenditures to be incurred during the current fiscal year; the Department, Board, Commission requests; and the recommendations of the First Selectmen as to the amounts to be appropriated for the ensuing fiscal year. The data shall include the following:
  - (i) Reasons for all appropriation recommendations and for the differences therein;
  - (ii) The estimated cost of debt service and the cash contribution to the capital nonrecurring expense fund to meet the needs of the recommendations for the next fiscal year;



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- (iii) Estimate of available surplus (or deficit) at the end of the current fiscal year.
  - 4. Copies of the budgets of the Departments, Offices, Boards, Commissions and Agencies of the Town shall be made available to the Board of Finance at the same time as they are presented to the First Selectman.
- C. Duties of the Board of Finance on the Budget. The Board of Finance shall hold one (1) or more public hearings not later than the first Monday of May at which time any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the estimates from the First Selectman, the Board of Finance shall cause said estimates to be made available for review in the office of the Town Clerk. At least five (5) days before the aforementioned public hearing, the Board of Finance shall cause to be published in a newspaper having a substantial circulation in the Town a notice of such public hearing and a summary of proposed budget estimates which show the amount to be raised by taxation. The Board of Finance shall have the authority to increase or decrease the budget submitted by the First Selectman. Within fifteen (15) days after holding the final such public hearing, the Board of Finance shall approve an operating budget and file the same with the Town Clerk for submission to the Annual Town Budget Meeting.
- D. Adoption of Budget. There shall be a Town Meeting for the consideration of the Budget to be held no later than the 3<sup>rd</sup> Monday in May and at such place and time as the Board of Selectmen may determine. Said Meeting may be recessed as necessary. The Budget adoption procedure shall be the following:
- 1. If the Budget has not been submitted or petitioned to a Referendum, the Budget as presented may be adopted by a majority vote of those present and voting thereon.
- If the Budget is rejected, it shall be returned to the Board of Finance who shall reconsider the Budget and resubmit a Budget to the Recessed Town Meeting to be held not more than three (3) weeks after said rejection with at least five (5) days published notice thereof.
- 2. If the Budget has been submitted or petitioned to Referendum, the Budget may be accepted or rejected by a majority vote.



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If the Budget is rejected, it shall be returned to the Board of Finance who shall reconsider the Budget and resubmit a Budget to the Recessed Town Meeting which shall be held within three (3) weeks after said rejection.

3. The same steps and procedures, including published notices of meetings, shall be followed as outlined above until a Budget has been adopted.
  4. Any resubmitted Budget may be submitted or petitioned to a Referendum.
- E. Approval of the Budget. Upon approval of the Budget by vote of the Town Meeting or Referendum, said Budget shall be deemed to constitute the appropriation to each Department, or sub-Department thereof and to each Office, Board, Agency and Commission of the Town.
- F. Expenditures before adoption of the Budget. Expenditures prior to the final adoption of the Budget shall be in accordance with Section 7-405 of the General Statutes.
- G. Levying of Taxes
1. In the event a Budget has not been approved by June 15, the Board of Selectmen shall be empowered to set a mil rate in order to facilitate the preparation and mailing of tax bills at a level that in its best judgment will meet the needs of the Town for the ensuing year.
  2. In the event a Budget has been adopted prior to June 15, the Board of Finance shall meet and set the mil rate at a level sufficient to meet the needs of the Town for the ensuing year.

## Section 9-2. Capital Expenditures Budget

- A. Each Department, Office, Board, Commission or Agency of the Town, supported wholly or in part by Town funds, or for which a specific appropriation is made, including the Board of Education, shall submit proposals to be included in a Five (5) Year Capital Expenditure Plan.
- B. The Capital Improvement Program Committee shall prescribe the exact format, manner and schedule for presentation of such proposals. The schedule shall allow sufficient time to



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- establish priorities as to the Capital Expenditure Budget for the next fiscal year and for submission of the Capital Budget to the voters at the Annual Town Budget meeting.
- C. The Capital Improvement Program Committee shall assemble the Five (5) Year Plan, confirm all cost estimates, develop bonded indebtedness projects, and submit the Plan to the Board of Selectmen no later than the 15<sup>th</sup> day of January.
  - D. The Board of Selectmen shall review the Five (5) Year Plan and submit a list of recommendations to the Board of Finance not later than the 28<sup>th</sup> day of February.
  - E. The Board of Finance shall review the recommended Five (5) Year Plan with the Board of Selectmen, approve a one (1) year Capital Expenditure Budget and set a date for a public hearing to be held in conjunction with the Opening Budget.
  - F. After said public hearing, the Board of Finance shall adopt a Capital Expenditure Budget, recommend a maximum mil rate to be applied to debt service and capital improvement financing and shall submit the recommended single year Capital Improvement Program Expenditure Budget to the Annual Budget Meeting.

## Section 9-3. Supplemental Appropriations

The Board of Finance may, upon the request of the Board of Selectmen or upon the request of any appointed or elected Board, Commission or Agency, make supplemental appropriations subject to the following approval requirements:

- A. The approval limits are cumulative during the fiscal year.
- B. Any supplemental appropriation cumulatively not exceeding one-half of one percent (.5%) of the current Annual Budget may be approved by the Board of Finance.
- C. Any supplemental appropriation which causes said amount to cumulatively exceed one-half of one percent (.5%) of the current Annual Budget shall be submitted to a Special Town Meeting. The Town Meeting shall be held not later than thirty (30) days following the action of the Board of Finance.
- D. Any proposed supplemental appropriation shall include its proposed source of funding.



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## Section 9-4. Borrowing

- A. The Town shall have the power to incur indebtedness by issuing its bonds or notes, as provided by the General Statutes, subject to the limitations thereof. The issuance of bonds and notes shall be authorized by resolution of the Town Meeting, after first being submitted to the Board of Finance for its recommendation.

The warning for any Town Meeting at which actions is proposed on any such bond or note authorization shall state whether or not such bond or note authorization has been recommended by the Board of Finance.

The amount or purpose of any such authorization must be described in the warning for the Town Meeting.

A negative recommendation of the Board of Finance may be overturned by a 2/3 vote of the attending and eligible to vote.

If any action is submitted or petitioned to a referendum at an adjourned Town Meeting, the ratio of votes required to approve shall accord with that required at the Town Meeting.

- B. The First Selectman, or if absent either but not both of the other members of the Board of Selectmen, and any two (2) of the following shall execute all instruments required for borrowing: Town Treasurer, Director of Finance and Director of Administrative Services.

## Section 9-5. Public Emergency Expenditures

For the purposes of meeting a public emergency threatening the lives, health or property of citizens, emergency expenditures, the total of which shall not exceed one (1) percent of the current tax levy in any one (1) fiscal year, may be made upon the recommendation of the First Selectman and by a majority vote of the Board of Selectmen. In the absence of sufficient general fund resources to meet such appropriation, additional means of financing shall be provided in such manner as is consistent with the General Statutes.



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## Section 9-6. Expenditures

- A. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.
- B. No voucher, claim or charge against the Town shall be paid until the same has been reviewed by the Director of Finance or designee of the Director of Finance and approved for correctness and validity. Payment of all approved claims shall be authorized by the Director of Finance, except in the case of the Board of Education, where payment shall be authorized by the Board of Education or its agent. In the absence or inability to act as the Director of Finance or designee of the Director of Finance, a member of the Board of Selectmen shall be authorized by said Board of Selectmen to substitute temporarily for the Director.
- C. All payroll checks shall be signed by the Town Treasurer or Deputy town Treasurer and all accounts payable checks by the Town Treasurer or Deputy Town Treasurer and countersigned by the First Selectman or, if absent, by another member of the Board of Selectmen.
- D. The First Selectmen shall prescribe the time and manner in which persons receiving money on account of the Town shall pay the same to the Director of Finance.
- E. The several Departments, Commissions, Agencies, Offices and Boards of the Town, including the Board of Education, shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated.
- F. Upon request transmitted by the First Selectman, but only within the last six (6) months of the fiscal year, the Board of Finance, may, by resolution, transfer any unencumbered appropriation balance or portion, thereof, from one Department, Commission, Agency, Board or Office line item to another, with the exception of the Board of Education, which shall have the power to make its own transfers provided that such transfers are reported to the Board of Finance when so made. The departments so affected shall be notified of such transfers. No transfer shall be made from any debt service account and any funds therein shall not be used for any other purpose.
- G. Appropriations for construction of permanent improvements and appropriation in the Capital Non-recurring Expense Fund, from whatever source derived, shall not lapse until the purpose





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- for which the appropriation was made shall have been accomplished or abandoned, provided that such project shall be deemed to have been abandoned if thirty-six (36) months shall elapse from the date of the approval thereof, without any expenditure from or encumbrance of the appropriation thereof.
- H. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the year shall lapse.
  - I. If any officer or employee of the Town shall knowingly incur any obligation or make any expenditure in violation of the Charter or take any part therein, such action shall be cause for their removal, except in payment of final judgments rendered against the Town.

## Section 9-7. Purchasing

- A. The Director of Finance or designee shall review all contracts for and purchases of supplies, materials, equipment and other commodities and services required by any Department, Office, Board, Agency or Commission of the Town, excluding the Board of Education, on requisitions signed by the head of the Department, Office, Agency, or by an appointed responsible representative.
- B. All requisitions for expenditures over an amount set annually by the Board of Finance shall require sealed bids, except in the case of licensed professionals such as, but not limited to, architects, lawyers, engineers, landscapers, and others, where bidding shall not be required but rather that services and fees be negotiated. Bid requests made under this section shall be published at least ten (10) days prior to the opening of said bids in a newspaper having a substantial circulation in the Town. Said sealed bids shall be opened and read aloud at a place, date and time specified in the bid notice. Said bid requests shall state that the First Selectman or his agent or the Superintendent of Schools, or their agent as applicable to educational supplies, equipment or materials, may reject any and all bids, if in their judgment, it is in the best interests of the Town to do so. If the lowest bid meets all specifications and is not accepted, the matter shall revert to the Board of Finance for its decision, or to the Board of Education as the case may be.
- C. Bulk items such as salt, sand, fuel, and other similar items which are delivered at intervals shall be bid based on the need for an entire fiscal year or an extended period of time, as the case may be.



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- D. All contracts and purchase orders exceeding five-thousand dollars (\$5,000) shall be signed by the First Selectman and the Director of Finance, except for the Board of Education.
- E. All contracts and purchase orders for the Board of Education shall be signed by the Superintendent of Schools or their agent.
- F. Whenever it is deemed to be in the best interest of the Town, the Board of Finance may waive the provisions of this Section pertaining to bid requirements.

## Section 9-8. Tax Bills

The Tax Collector shall mail to each taxpayer, where applicable and in accordance with the provisions of the General Statutes, all real or other property tax bills.

## Section 9-9. Fiscal Year.

The fiscal year of the Town shall begin on July 1<sup>st</sup> and end on June 30<sup>th</sup> of the following calendar year.

## Section 9-10. Annual Audit.

The Board of Finance shall annually designate an independent Certified Public Accountant or firm of independent Certified Public Accountants to audit the books and accounts of the Town, in accordance with the provisions of Chapter One Hundred Eleven (111) of the General Statutes.

## CHAPTER X - GENERAL

### Section 10-1. Savings Clause

- A. If any Section of this Chapter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of the Charter nor the context in which such Section so held invalid may appear, except to the extent that an entire Section or part of a Section may



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be inseparably connected in meaning and effect with the Section or part of Section to which holding shall directly apply.

- B. All the General Laws and Special Acts of the State of Connecticut applicable to the Town and all Town Ordinances shall continue in full force and effect except insofar as they are inconsistent with the provisions of this Charter.

This Charter shall be liberally construed to effectuate its objectives and purposes.

## Section 10-2. Usage

When the context so requires, the masculine gender shall include the feminine and the singular shall include the plural, and the plural the singular.

## Section 10-3. Transition.

- A. Unless otherwise provided, each incumbent member of a board, commission or agency as of the effective date hereof shall continue to hold office or position to which elected or appointed until succeeded by a duly qualified person.
- B. To establish the staggered terms for the Board of Finance and increase the membership of the Board of Finance to seven members, the following process shall be followed. For the 2017 town election, three positions will be filled pursuant to the election procedures contained in this Charter, except that one of said positions shall be for a term of two years for the 2017 election only.

## Section 10-4. Transfer of Powers and Records

The powers which are conferred and the duties which are imposed upon any commission, board, department or office under the General Statutes or any ordinance or regulation in force at the time this charter shall take effect, if such commission, board, department or office is abolished by this charter or superseded by the creation herein of a new commission, board or office to which are granted similar powers and jurisdiction, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this charter. All commissions, boards, departments or offices abolished by this charter,



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whether elective or appointive shall continue in the performance of their duties until provisions have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this charter and until the Town Clerk shall have notified the members of such commissions, boards, departments or offices as are abolished by this charter that their successors have qualified. Upon the qualification of a successor board, commission or agency, all records, property and equipment whatsoever of such superseded body shall be transferred and delivered intact to the successor body.

## Section 10-5. Effective Date

The amendments to this Charter shall become effective upon the approval of a majority of the voters voting therein at a regular election to be held on November 3, 2015, in accordance with the provision of Section 7-191 of the General Statutes.