

1 CHARTER REVISION COMMISSION

2  
3 REPORT ON AMENDMENTS TO THE CHARTER

4  
5 APRIL XX, 2015

6  
7  
8  
9  
10 Charter Revision Commission  
11 Established August 13, 2014

12  
13 Mr. Matthew Berger, Chair  
14 Mr. Stephen Bessette, Vice-Chair  
15 Ms. Ashley Gillece  
16 Mr. John Gomes  
17 Ms. Amy Hambly  
18 Ms. Susan Jones  
19 Mr. James Murphy  
20 Ms. Alice Soscia  
21 Mr. Robert Statchen  
22

1 Mr. George Crouse, First Selectman  
2 Mr. Robert Simmons, Selectman  
3 Mr. Michael Spellman, Selectman  
4 Town Hall  
5 Stonington, CT 06378  
6

7 Dear Mr. Crouse and Members of the Board of Selectmen,  
8

9 Attached please find our proposed revisions to the Charter for the Town of Stonington. As you  
10 know, this Charter Revision Commission (CRC) was established pursuant to a written petition presented  
11 in accordance with Connecticut General Statutes Section 7-188 which was signed by more than ten  
12 percent of the Town electors. That petition specifically requested that the CRC “review the nomination,  
13 balloting, term, and party representation requirements for the Board of Finance (BoF) for the Town of  
14 Stonington.” Your resolution appointing this commission repeated this language from the petition and  
15 also directed the CRC “to further investigate the present form of government (Board of Finance).”  
16 Therefore the bulk of this CRC’s work focused on these issues.  
17

18 However, as explained below, in response to public comment both at the statutorily required  
19 public hearings and the public comment periods provided both at the beginning and end of each CRC  
20 meeting, the CRC also considered other issues. Importantly, in consideration for the nature of this  
21 petition-driven commission and its directive from your Board, these additional issues were primarily  
22 viewed in the context of whether they first, were appropriate for the Town and second, would not  
23 jeopardize the changes being recommended to the BoF. For example, in conjunction with changes to the  
24 BoF, certain structural changes were also recommended for the Board of Education (BoE) with the goal of  
25 creating greater parity between these elective bodies, and also to create more opportunities for an  
26 unaffiliated voter to serve on both Boards. Additional changes recommended are also set out below.  
27 Changes considered but not recommended are also presented below with a brief explanation.  
28 Deliberation on these issues are contained in the minutes of the CRC meetings in which they were  
29 discussed.  
30

31 In its deliberations, the CRC was cognizant of the fact that historically CRCs in Stonington that  
32 have recommended too many changes from one commission risk not having any changes implemented.  
33 All members of the commission agree that the issues not recommended for amendment at this time would  
34 certainly be appropriate for future commissions to consider.  
35

36 Regarding the BoF, the CRC is recommending the following:  
37

- 38 1. BoF membership shall be increased from six members to seven.  
39
- 40 2. BoF members will stand for election in a manner identical to the BoE.

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3. That the BoF be subject to the standard minority representation rules of all other Boards and Commissions in the Town of Stonington.
4. That the terms of office for members of the BoF be reduced from six years to four years.
5. That members of both the BoF and BoE be limited to serving three successive terms, afterwhich they would be eligible to serve again after four years. Any member of either board in office on the date these amendments are adopted shall be considered to have served one term which shall continue until their position is next up for election.
6. That the Town Clerk no longer act as the tie breaker for the BoF but rather the Board be required to adopt internal procedures for breaking a tie in a manner similar to the current BoE.
7. Vacancies for the BoE and the BoF will be filled by the remaining members of said Board with such position to then be up for election for the unexpired term remaining following the next municipal (non-presidential/federal) election.
8. For transition purposes, both members elected in the 2015 municipal election will serve four year terms and three candidates will run for office in the 2017 municipal election in accordance with the established election procedure. This recommended transition process will establish the alternating 3 person and 4 person elections beginning in 2017.

Additional changes recommended by the CRC include:

1. The terms of office for the Town Clerk and Town Assessor will both increase from two years to four years.
2. A Department of Assessment be established as a separate department removed from the Department of Finance.
3. Increasing the Board of Selectman’s authority for the sale or disposition of any Town owned real property or personal property from \$5,000 to \$10,000.
4. Modify gender specific terms in Sections 3-4(B)(5), 3-6(B), 8-2(A), 9-7(B) and 9-7(E) to make them gender neutral. Modify “chairman” in Section 6-4(D) to “chair.”

1 Issues considered by the CRC but not recommended for change at this time include the following:  
2

- 3 1. There was consensus that there is not sufficient evidence to support that bifurcation of the budget  
4 would add value to the current budget process.  
5
- 6 2. Changes to the Constables positions under the Charter.  
7
- 8 3. Whether to require public comment at meetings of the Board of Selectmen, BoF and BoE.  
9
- 10 4. Whether to require an Ethics committee be formally established and not merely standing pursuant  
11 to the current Town Ordinance.  
12
- 13 5. Whether to change to a Town Manager governing structure and increase the Board of Selectman  
14 to five members. In regards to these issues, it was determined that addressing these issues at this  
15 time would seriously jeopardize and undermine the ability to move forward on the issues which  
16 the Commission was specifically tasked to address both by the Board of Selectmen and the  
17 citizen petition. Additionally, this issue was recommended by the most recent Charter Revision  
18 Commission (2005) and the Board of Selectmen chose not to present these proposed revisions to  
19 the voters.

20 This report and the recommended revisions were adopted by a [XX to XX]/[unanimously] vote of  
21 the CRC at its March XX, 2015 meeting. The CRC worked very hard to finish its charge in time for the  
22 Board of Selectmen to put the revisions on the ballot in November 2015. The CRC stands by ready to  
23 assist the Board of Selectmen in facilitating this goal and would welcome the opportunity to discuss these  
24 recommendations if questions or concerns arise.

25 Sincerely,

26  
27 Matthew Berger, Chair  
28  
29  
30  
31  
32



# Stonington Connecticut

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

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*Draft for Discussion at the MARCH 26, 2015 Charter Revision Commission Public Hearing*



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## STONINGTON CHARTER

(Revised 11/3/1598)

### 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



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1 granted by this Charter and all powers implied in or incident to the powers expressly granted, all powers  
2 conferred by Section 7-194 of the General Statutes and by Special Acts of the General Assembly not  
3 inconsistent with this Charter. The Town shall also have all other powers including the power to enter into  
4 contracts with the United States Government or branch thereof, the State of Connecticut or any agency or  
5 political subdivision thereof, or any body politic or corporate not expressly forbidden by the Constitution  
6 and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any  
7 other Chapter of this Chapter shall not be construed as limiting this General Grant of Powers but shall be  
8 considered as an addition thereto.  
9

## 10 CHAPTER II - ELECTIONS 11

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

13  
14 Nomination and election of State officers, Judge of Probate, Justices of the Peace and Registrars of  
15 Voters shall be conducted as prescribed by the General Statutes and this Charter.  
16

17 Nomination and election of Town Officers and elected members of Boards and Commissions as  
18 set forth in this Charter shall take place at the Regular Town Election on the first Tuesday after the first  
19 Monday in November of each odd numbered year.  
20

21 The Registrars of Voters shall prepare a list of electors qualified to vote in the manner prescribed  
22 in the Constitution and the General Statutes.  
23

### 24 Section 2-2. Eligibility for Office

25  
26 Any person nominated, elected or appointed to fill a vacancy in an Elective Office shall, at the time  
27 thereof, be a qualified resident elector in the Town and any Elective Office shall be deemed to be vacant  
28 when the holder ceases to be a qualified resident elector, as so defined by the General Statutes.  
29



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## 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 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. ~~have the power to fill their own vacancies.~~ 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:



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	Column 1	Column 2
1	Total Membership	Maximum from One Party
2		
3	3.....	2
4	4.....	3
5	5.....	4
6	6.....	4
7	7.....	5
8	8.....	5
9	9.....	6
10	More than 9.....	Two-thirds of total membership
11		

## 12 Section 2-6. Breaking a Tie

13  
 14 When any regular or Special Town Election, Primary Election or Referendum conducted pursuant  
 15 to the provisions of this Charter results in a tie vote, an Adjourned Election shall be conducted in accordance  
 16 with the provisions of Section 9-332 of the General Statutes, as amended, to determine the election. If there  
 17 should be another tie, the matter shall be determined by vote of the Board of Selectmen with the Town  
 18 Clerk casting a tie-breaking vote if necessary.

## 20 Section 2-7. Term Limits

21  
 22 Members of the Boards of Finance and Education shall serve no more than three (3) consecutive  
 23 4-year elected terms. After completing said terms no member shall be allowed membership for four years.  
 24 As of the effective date of this Charter revision, for the members seated on the Boards of Finance and  
 25 Education, the term they are currently serving shall be considered their first term.

## 26 CHAPTER III - THE TOWN MEETING

### 28 Section 3-1. General

29



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

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

8  
9           The Annual Town Budget Meeting for the consideration of the Budget shall be convened in  
10 accordance with Sec. 9-1 of this Charter and shall be held not later than the third Monday in May at such  
11 hour and at such place as the Board of Selectmen shall determine. The Board of Selectmen may request  
12 the presence at such meeting of department heads and/or representatives of each Board, Agency,  
13 Commission or Committee of the Town.  
14

## 15   Section 3-3. Special Town Meetings

16  
17           Special Town Meetings shall be called by the Board of Selectmen for consideration of the  
18 following:

- 19  
20           1. The issuance of bonds and all other forms of financing, the terms of which are in excess of one  
21 (1) year, in accordance with Charter Section 9-4.  
22
- 23           2. Any appropriation supplemental to those provided in the Annual Budget which increases total  
24 supplemental appropriations in the current Annual Budget to an aggregate amount in excess of  
25 one-half of one percent (.5%) of the total current Annual Budget, in accordance with Charter  
26 Section 9-3c.  
27
- 28           3. Real estate purchases by the Town.  
29
- 30           4. The sale or disposition of any Town owned real property and the sale or disposition of any  
31 Town owned personal property whose value exceeds \$5,000.  
32

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- 1           5. The creation, termination or modification of any permanent Board, Agency, Commission,  
2           Committee or Department of the Town not otherwise provided for in this Charter.  
3
- 4           6. Real estate leases and/or real estate lease options to which the Town is a party and which  
5           involves a term in excess of five (5) years.  
6
- 7           7. Proposals for municipal improvements disapproved by the Town's Planning and Zoning  
8           Commission pursuant to the provisions of Sec. 8-24 of the General Statutes.  
9
- 10          8. Such other matters or proposals as may be required by the provisions of this Charter, or as the  
11          Board of Selectmen, in its discretion, shall deem to be of sufficient importance to be submitted  
12          to a Special Town Meeting, including the adoption, modification or repeal of any Ordinance.  
13

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

15

- 16          A. The electors of the Town shall have the power to call a Town Meeting to:  
17
- 18           1. Adopt ordinances.  
19
- 20           2. Repeal or modify existing Ordinances.  
21
- 22           3. Take actions on those matters enumerated in Sec. 3-3 of this Charter.  
23
- 24          B. The procedure to be followed shall be:  
25
- 26           1. A Petition may be filed by any elector of the Town with the Town Clerk and except  
27           otherwise provided herein, such Petition shall conform to the requirements of Sections 7-  
28           9 and 7-9a of the General Statutes.  
29
- 30           2. Said Petition, or counterpart thereof, shall contain the full text of the Proposal and/or  
31           Ordinance and shall be signed in ink or indelible pencil by no less than 20 eligible electors  
32           of the Town as determined from the latest official lists of the Registrars of Voters.  
33

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- 1                   3. Said Petition, or counterpart thereof, shall be accompanied with affidavits signed and  
2                   sworn to by each circulator as provided on Section 7-9 of the Statutes.  
3
- 4                   4. The Town Clerk shall within ten (10) days after receipt of said Petition, determine whether  
5                   the Petition and counterparts thereof received are sufficient as required by law, and if so,  
6                   shall certify said Petition to the Board of Selectmen.  
7
- 8                   5. The Board of Selectmen may refer the Petition to the Town Attorney for their review  
9                   and comments.  
10
- 11                  6. Within fifteen (15) days of the receipt of said Petition, so certified, the Board of  
12                  Selectmen may hold a public hearing thereon.  
13
- 14                  7. Within fifteen (15) days of any such public hearing or the certification of said Petition, as  
15                  the case may be, the Board of Selectmen shall call a Special Town Meeting to take action  
16                  on said Petition.  
17
- 18                  8. At a Special Town Meeting, a vote of the majority of those electors voting shall be  
19                  necessary to approve such Petition.  
20

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

- 22
- 23                  A. All actions, except the adoption of the Annual Budget, including a negative action, of any Town  
24                  Meeting shall be subject to Overrule by a Referendum in the following manner.  
25
- 26                  1. If within ten (10) days after such action of the Town Meeting, a Petition conforming to the  
27                  requirements of Sec. 7-9 and 7-9a of the General Statutes and signed in ink or indelible  
28                  pencil, by no less than two hundred (200) qualified voters of the Town, as determined by  
29                  the latest official voting lists of the Registrars of Voters, is filed with the Town Clerk  
30                  requesting its reference to the voters of the Town at a Special Referendum, the effective  
31                  date of such action, if an affirmative action, shall be suspended.  
32
- 33                  2. Said Petition, or counterparts thereof, shall be accompanied with affidavits signed and  
34                  sworn to by each circulator as provided in Section 7-9 of the General Statutes.

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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.
- 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~~his 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



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1 Section 4-1. Composition  
2

3 There shall be a three (3) member Board of Selectmen consisting of a First Selectman and two (2)  
4 other Selectmen. The Board shall be elected every two years in the odd numbered years. No more than two  
5 (2) members of the Board shall be members of the same political party. No member of the Board of  
6 Selectmen shall hold any other Elected Town Office except Justice of the Peace.  
7

8 Section 4-2. Meetings  
9

- 10 A. The Board of Selectmen shall hold Regularly Scheduled Monthly Meetings.  
11  
12 B. Special meetings may be called at any time by the First Selectman or by any two (2) Selectmen.  
13 Two members shall constitute a quorum for the transaction of business at any Regularly  
14 Scheduled or Special Meeting.  
15  
16 C. No vote shall be adopted by fewer than two (2) affirmative votes, except a vote to adjourn or  
17 to set the date of the next Meeting.  
18  
19 D. At each Regular and Special Meeting of the Board, there shall be set aside a time for public  
20 participation during which time any member of the public may address the Board concerning  
21 any matter.  
22  
23 E. The Board shall appoint someone to keep the minutes and to record all votes and other actions  
24 taken by the Board.  
25

26 Section 4-3. General Powers of the Board of Selectmen  
27

- 28 A. The Board of Selectmen shall have all the powers, duties and responsibilities conferred upon it  
29 by this Charter and the General Statutes and all powers proper, incidental or convenient to their  
30 exercise.  
31  
32 B. Except as otherwise provided by this Chapter, the Board shall have all powers, duties and  
33 responsibilities which were conferred on Boards of Selectmen when this Charter was adopted

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1 and which may be conferred upon said Board by any General Statute, Special Act, or  
2 Amendment, thereto, enacted after this Charter is adopted.

3  
4 C. The Board shall have the authority to apply for and enter into agreements with State and Federal  
5 Agencies for the purpose of receiving and expending funds when such grants would not incur  
6 any additional financial obligations on the Town. Where such grants do involve financial  
7 obligations other provisions of this Charter concerning the appropriations should apply.

8  
9 D. The Board of Selectmen shall have all powers conferred upon it by Resolution or Ordinance.  
10

## 11 Section 4-4. General Duties and Responsibilities

12  
13 The Board of Selectmen shall: ensure that the acts, policies, Resolutions and Ordinances of the  
14 Board and Town Meeting are carried out and implemented, except where such act, policy, Resolution or  
15 Ordinance specifies otherwise; conduct a continuous review of the current and projected administrative,  
16 fiscal and capital needs of the Town; prepare and publish an Annual Report setting forth the amount,  
17 purpose and proposed method of financing projected capital expenditures; obtain such information as may  
18 be required from any Office, Board, Agency or Commission in order for the Board to carry out its functions  
19 and duties.  
20

## 21 Section 4-5. Specific Power

22  
23 A. The Board of Selectmen shall have the power to appoint members of all Boards, Agencies,  
24 Commissions and Offices pursuant to Chapter VII of this Charter.

25  
26 B. Acceptance of Gifts. The Board of Selectmen may accept gifts and dedications to the Town  
27 on behalf of the Town.

28  
29 C. Disposition of Town Property. The Board of Selectmen shall have the authority to dispose of  
30 any Town owned personal property whose value does not exceed \$5,000. The question of the  
31 disposition of all real property and of all personal property whose value exceeds \$5,000 shall  
32 be submitted by the Board of Selectmen to a Special Town Meeting.  
33



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- 1 D. Filling of Vacancies. The Board of Selectmen shall fill unexpired terms of all vacancies that  
2 may exist on all appointed Boards, Commissions, Agencies and Committees. Vacancies may  
3 be filled without regard to any party affiliation but shall comply with state statutes on minority  
4 representation.
- 5
- 6 E. Temporary Advisory Commissions. The Board of Selectmen may create temporary Advisory  
7 or Study Commissions to advise and make recommendations to the Board.
- 8
- 9 F. Public Emergency. The Board of Selectmen may take such action as it deems advisable  
10 whenever a public emergency threatens the lives, health or property of citizens. Any  
11 declaration of a public emergency shall automatically stand repealed at the end of thirty-five  
12 days, unless re-enacted by the Board of Selectmen. Expenditures to meet an emergency shall  
13 be made in accordance with Sec. 9-5 of this Charter.
- 14
- 15 G. Capital Improvement Program Committee. The Board of Selectmen shall appoint the members  
16 of the Capital Improvement Program Committee.
- 17
- 18 H. Collective Bargaining Agreements. The Board of Selectmen shall have the authority to accept  
19 or reject collective bargaining agreements negotiated under the provisions of the Municipal  
20 Employees Relations Act.
- 21

## 22 CHAPTER V - THE FIRST SELECTMAN

### 23 Section 5-1. General Powers

24  
25  
26 To the extent not inconsistent with this Charter, the First Selectman shall have all powers, duties  
27 and responsibilities conferred upon that Office by the General Statutes or applicable Special Acts, or by  
28 Ordinance, and shall perform all the functions of that Office. The First Selectman shall be the full-time,  
29 Chief Executive Officer of the Town, and shall be responsible for the day-to-day operations of the Town.  
30 The First Selectman shall be recognized as the official head of government for all ceremonial, civil and  
31 military purposes.

32



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

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

- 5
- 6 1. The coordination of the Departments, Offices, Boards, Agencies, Commissions and Committees of  
7 the Town, except those functions expressly reserved or delegated to such bodies by law or by this  
8 Charter.
  - 9
  - 10 2. The execution and carrying out of Ordinances, Resolutions, Regulations, Policies and other actions  
11 of the Board of Selectmen and Town Meeting.
  - 12
  - 13 3. The purchase of supplies, materials, equipment and other commodities pursuant to requests  
14 submitted by any Officer, Department Head, Board, Agency, Commission, or Committee of the  
15 Town, except the Board of Education, pursuant to the provisions of Chapter IX.
  - 16
  - 17 4. The maintenance and custodial work for all public building, parks, playgrounds, road or other  
18 facility except where such responsibility is specifically granted to another Board, Agency or  
19 Department by this Charter or by ordinances adopted pursuant to this Charter.
  - 20
  - 21 5. The entering into and execution of contracts on behalf of the Town for any services required by  
22 any Office, Board, Agency, Commission, Committee of the Town, except the Board of Education.
  - 23

24 Section 5-3. Delegation and Assignment of Duties  
25

- 26 A. The First Selectman may assign and delegate duties appropriately.  
27
- 28 B. The First Selectman shall be an ex-officio member of all Boards, Agencies, Commissions and  
29 Committees of the Town, but without the right to vote and may appoint, in writing, another  
30 Selectman as representative hereto.  
31

32 Section 5-4. Acting First Selectman  
33



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- 1           A. Within thirty days after a Board of Selectman has take office, the Board shall elect one of its  
2           members to function as Acting First Selectman in the absence of the First Selectman.  
3  
4           B. The acting First Selectman shall have all duties and responsibilities of the First Selectman.  
5  
6           C. The Acting First Selectman shall serve as follows:  
7  
8               1. When so instructed in writing by the First Selectman, during the temporary absence of the  
9               First Selectman.  
10  
11              2. Automatically, in the event the First Selectman shall be absent from office for more than  
12              thirty (30) consecutive days.  
13  
14              3. Whenever the Board of Selectmen shall declare that an Emergency exists and the First  
15              Selectman cannot be reached. The absence of the First Selectman shall not constitute an  
16              Emergency.  
17  
18              4. When a vacancy occurs in the office of First Selectman. If a vacancy occurs, said vacancy  
19              shall be filled pursuant to the applicable General Statutes.  
20

## 21 CHAPTER VI - ELECTIVE OFFICIALS AND BOARDS

### 22 Section 6-1. General

23           The provisions of Chapter II shall govern the election of Town and State Officers.  
24

25           Except as otherwise provided in this Chapter, all Elective Officers and Boards shall have the powers  
26           and duties prescribed for such Officers in the General Statutes. The terms of office of all Elective Officers  
27           and members of Boards (except the Town Clerk) shall commence on the second Tuesday following the  
28           Election and they shall continue to hold office until their successors have been chosen and qualified.  
29  
30  
31



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1 Section 6-2. Town Officers  
2

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

- 5
- 6 a. A Board of Selectmen, consisting of a First Selectman and two (2) other Selectmen. The votes  
7 for the unsuccessful candidate for First Selectman shall be counted as votes for said candidate as  
8 a member of the Board, provided, however, that no elector shall be a candidate for both the office  
9 of First Selectman and that of Selectman.
  - 10
  - 11 b. One Town Clerk; term commences the First Monday of January following the  
12 Election and shall continue for a term of four years.
  - 13
  - 14 c. One Tax Collector for a term of four years.
  - 15
  - 16 d. One Town Treasurer
  - 17
  - 18 e. Eight Constables, four (4) from each party.
  - 19

20 Section 6-3. State Mandated Officials

21  
22 At each State Election, the following shall be elected:

- 23
- 24 a. Two (2) Registrars of Voters, one (1) from each party, said terms to commence on the first Monday  
25 in January after their election.
  - 26
  - 27 b. One (1) Judge of Probate
  - 28
  - 29 c. Twenty-two (22) Justices of the Peace from each major party and twenty-two (22) from a minor  
30 party or unaffiliated voters. Said terms to commence on the first Monday in January after their  
31 election.
  - 32



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## 1 Section 6-4. Board of Education

- 2
- 3 A. The Board of Education shall consist of seven (7) members each of whom shall be elected for
- 4 the term of four (4) years.
- 5
- 6 B. At each biennial town election, the voters shall be able to vote for the full number to be elected:
- 7 each political party may nominate the full number to be elected, to wit: three (3) candidates
- 8 nominated before the election November 1999, and four (4) candidates nominated before the
- 9 election November 2001 and so alternating at each biennial election. ~~The provisions of this~~
- 10 ~~section shall comply with Section 2-5a and the State Statutes on minority representation.~~
- 11 [NOTE TO CRC MEMBERS: Minority representation is addressed in Section 2-5.]
- 12
- 13 C. ~~In the event of a vacancy on said Board, the remaining members of the Board nominated by~~
- 14 ~~the same political party as the member whose place has become vacant shall be empowered to~~
- 15 ~~fill the vacancy for the unexpired portion of the term. In the event that a vacancy still exists~~
- 16 ~~after the passage of sixty (60) days, the Board of Selectmen shall be empowered to fill said~~
- 17 ~~vacancy. Vacancy procedures for the Board of Education are addressed in Section 2-4 of the~~
- 18 Charter.
- 19
- 20 D. Upon their election, the members of the Board shall organize and select a chairman and a
- 21 secretary, who shall not be members of the same political party.
- 22
- 23 E. Four (4) members of said board shall constitute a quorum for the transaction of any business.
- 24
- 25 F. Except as otherwise provided by this Charter, the Board of Education shall perform duties and
- 26 have such powers as are or may be imposed or vested by the General Statutes upon Boards of
- 27 Education. It shall perform all acts required of said Board by the Town and those acts necessary
- 28 to carry into effect the powers and duties imposed upon said Board by law.
- 29

## 30 Section 6-5. Board of Finance

- 31
- 32 A. The Board of Finance shall consist of ~~seven~~ (7) members, each of whom shall be elected
- 33 for a Term of ~~four~~ (4) years ~~pursuant to the Special Act Creating a Board of Finance in~~
- 34 ~~the Town of Stonington Approved March 28, 1933.~~

*Draft for Discussion at the MARCH 26, 2015 Charter Revision Commission Public Hearing*



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1  
2 B. At each biennial town election, the voters shall be able to vote for the full number to be elected:  
3 each political party may nominate the full number to be elected, to wit: three (3) candidates  
4 nominated before the election November 2017, and four (4) candidates nominated before the  
5 election November 2019 and so alternating at each biennial election.

6  
7 C. Vacancy procedures for the Board of Education are addressed in Section 2-4 of the Charter.

8  
9 D. Upon their election members of the Board shall organize and select a chair and a secretary,  
10 who shall not be members of the same political party.

11  
12 E. Four (4) members of said board shall constitute a quorum for the transaction of any business.  
13 In any tie vote, the Board shall not adjourn until the matter has been resolved.

14  
15 B-F. The Board of Finance shall have all powers and duties prescribed by the General Statutes  
16 insofar as they do not conflict with the provisions of this Charter. [NOTE: Perhaps consider  
17 mirroring language in Section 6-4(F).]

18  
19 ~~C. The Board of Finance shall cause an annual audit to be made of the accounts and finances of~~  
20 ~~the Town. [NOTE: The annual audit requirement is addressed in Section 9-10.]~~

## 21 22 Section 6-6. Board of Assessment Appeals

23  
24 The Board of Assessment Appeals shall consist of three (3) members each of whom shall be  
25 elected for a term of four (4) years. The members shall serve overlapping terms.

26  
27 The Board of Assessment Appeals shall have all powers and duties prescribed by the General  
28 Statutes to review and adjust assessments of property, and such other powers as may be prescribed in said  
29 Statutes.  
30



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1 CHAPTER VII - APPOINTIVE OFFICERS BOARDS OR  
2 COMMISSIONS

3  
4 Section 7-1. General

5  
6 The Boards, Commissions, Agencies and Officers listed in this section shall be appointed by  
7 majority vote of the Board of Selectmen upon review of all applications received by the Board. An interview  
8 may be held with each candidate by the Board of Selectmen. The provisions of Chapter II with respect to  
9 minority representation shall govern.

10  
11 Appointed Boards, Commissions, Agencies, and Officers shall report in writing to the First  
12 Selectman on their activities and budgetary compliance not less frequently than quarterly. Said reports shall  
13 be available to the public.

14  
15 The powers, duties and responsibilities of the Appointed Boards, Agencies, Commissions and  
16 Officers contained in this Chapter shall continue in full force and effect unless or until changed or modified  
17 by action of the Town Meeting or General Statutes.

18  
19 Section 7-2. Duties

20  
21 Except as otherwise provided in this Charter, the duties of Appointed Officers and Boards,  
22 Agencies, and Commissions shall be as prescribed in applicable Ordinances and the General Statutes.

23  
24 Section 7-3. Terms

25  
26 The terms of office shall be as established by Ordinance.

27  
28 Section 7-4. The Board of Police Commissioners

29  
30 A. There shall be a five member Board of Police Commissioners.

31  
*Draft for Discussion at the MARCH 26, 2015 Charter Revision Commission Public Hearing*



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1           B. There shall be a Department of Police which shall be governed by the Board of Commissioners.  
2           Except as otherwise provided by this Charter, the Board of Police Commissioners shall have  
3           all the powers, responsibilities and duties of police commissions as are provided by the General  
4           Statutes and pursuant to the Home Rule Ordinance adopted by the electors on November 5,  
5           1974. The Board of Police Commissioners shall appoint the Chief of Police.  
6

## 7 Section 7-5. Planning and Zoning Commission

8  
9           There shall be a Planning and Zoning Commission with five members and three alternates.  
10

## 11 Section 7-6. Zoning Board of Appeals

12  
13           There shall be a Zoning Board of Appeals with five members and three alternates.  
14

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

16  
17           There shall be an Inland Wetlands and Water Courses Commission with seven members and two  
18           alternates.  
19

## 20 Section 7-8. Conservation Commission

21  
22           There shall be a Conservation Commission with seven members and one alternate.  
23

## 24 Section 7-9. Recreation Commission

25  
26           There shall be a Recreation Commission with seven members and two alternates.  
27

## 28 Section 7-10. Economic Development Commission

29  
30           There shall be an Economic Development Commission with nine members and three alternates.  
31



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1 Section 7-11. Housing Authority

2  
3 There shall be a Housing Authority with five members.

4  
5 Section 7-12. Waterfront Commission

6  
7 There shall be a Waterfront Commission with seven members.

8  
9 Section 7-13. Harbor Management Commissions

10  
11 There shall be a Harbor Management Commissions established in accordance with Town  
12 ordinances.

13  
14 Section 7-14. Shellfish Commission

15  
16 There shall be a Shellfish Commission with five members.

17  
18 Section 7-15. Building Code Board of Appeals

19  
20 There shall be a Building Code Board of Appeals with five members.

21  
22 Section 7-16. Code of Ethics Commission

23  
24 There shall be a Code of Ethics Commission with five members.

25  
26 Section 7-17. Water Pollution Control Authority

27  
28 A. There shall be a Water Pollution Control Authority with five members.

29  
30 B. There shall be a Department of Water Pollution Control which shall be governed by the Water  
31 Pollution Control Authority. Except as otherwise provided by this Charter, the Water Pollution

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1 Control Authority shall have all the powers, responsibilities and duties of such Authorities as  
2 are provided by the General Statutes.  
3

## 4 Section 7-18. Commission on Aging

5  
6 There shall be a Commission on Aging with twelve members.  
7

## 8 Section 7-19. Stonington Resource Recovery Authority

9  
10 There shall be a Stonington Resource Recovery Authority. The Board of Selectmen shall serve as  
11 the Stonington Resource Recovery Authority.  
12

## 13 Section 7-20. Town Attorney

14  
15 The Board of Selectmen shall retain a Town Attorney to serve at the will and pleasure of the Board.  
16

## 17 CHAPTER VIII - ADMINISTRATIVE DEPARTMENTS

18

### 19 Section 8-1. General

20

21 A. There shall be the following administrative departments:

22

23 1. Administrative Services

24 ~~1.2.~~ Assessment

25 ~~2.3.~~ Finance

26 ~~3.4.~~ Planning

27 ~~4.5.~~ Public Works

28 ~~5.6.~~ Human Services

29

30



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1 B. Each The Administrative Services, Finance, Planning, Public Works and Human Services  
2 Departments shall have a Director who shall be appointed by the majority vote of the Board of  
3 Selectmen. The Assessment Department shall have a Director who shall be appointed by the  
4 majority vote of the Board of Finance. In the event of a vacancy in a Department Directorship  
5 or the inability of a Director to serve, the duties thereof shall be the responsibility of the First  
6 Selectman with the exception of the Assessor. The Assessor shall be filled by a majority vote  
7 of the Board of Finance within thirty (30) days after the occurrence of such a vacancy.  
8

9 C. The Department Directors shall be responsible for the conduct of the personnel in their  
10 Departments and shall report and work under the direction of the First Selectman. The  
11 Department Directors shall be responsible for the actions required under the General Statutes  
12 and nothing in this Charter shall be considered as lessening this responsibility. The  
13 appointment and removal of all personnel of the Town shall be pursuant to applicable  
14 Ordinances, collective bargaining agreements and the Town Employee Personnel Policy  
15 Manual.  
16

17 D. Additional departments may be established by Ordinance adopted by the Town Meeting and  
18 headed by a Director together with such other employees as may be provided. These  
19 Departments shall have powers, duties and responsibilities as may be provided by Ordinance.  
20

21 E. Reports shall be filed with the First Selectman and the Board of Selectmen as they shall require.  
22 It shall be the responsibility of the First Selectman to assure that proper staff assistance is  
23 available to Boards, Agencies, Committees, and Commissions within their budgets.  
24

## 25 Section 8-2. Administrative Departments

### 26 A. Department of Administrative Services

27  
28  
29 There shall be a Department of Administrative Services, headed by a Director of Administrative  
30 Services together with such other employees as may be provided, which shall have such powers, duties and  
31 responsibilities as are provided in this Charter and by Ordinance and by Resolutions adopted by the Board  
32 of Selectmen. The Department shall provide administrative support to the First Selectman in discharging  
33 ~~their~~ duties as Chief Executive Officer and shall be responsible for but not limited to creating and  
34 administering the Town Employee Personnel Policy Manual and pay plan and such other activities as may



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1 be related to the personnel functions of the Town. The Director shall serve as personnel officer of the town  
2 and shall represent the Town in collective bargaining with employee organizations. The Department shall  
3 be responsible for the operation of the Community Development Program as well as the Capital  
4 Improvement Program in conjunction with the Capital Improvement Program Committee.

## 5 6 B. Department of Assessment

7  
8 There shall be a Department of Assessment, headed by the Tax Assessor as the Director together  
9 with such other employees as may be provided. The Department shall have such powers, duties and  
10 responsibilities as are provide in this Charter and which may be provided by Ordinance and by Resolutions  
11 adopted by the Board of Selectmen. The Department shall have the following duties:

- 12  
13 1. Compile an annual Grand list of real and personal property and report the status thereof  
14 to the Board of Finance, First Selectman and Fire Districts;
- 15  
16 2. Maintenance of the assessment of real and personal property;
- 17  
18 3. Oversee periodic revaluations.

## 19 20 B-C. Department of Finance

21  
22 There shall be a Department of Finance, headed by a Director of Finance together with such other  
23 employees as may be provided. The Department shall have such powers, duties and responsibilities as are  
24 provided in this Charter and which may be provided by Ordinance and by any Resolutions adopted by the  
25 Board of Selectmen. The Department shall have the following duties:

- 26  
27 1. Compile the budget; administer expenditures thereunder and report the status thereof  
28 to the First Selectman as well as any Department Director, Board, Commission or  
29 Agency involved.
- 30  
31 2. Maintain the accounting system and be responsible for all purchasing procedures,  
32 expenditures and financial record keeping;



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3. Collect taxes, licenses fees, and sewer assessments ~~and be responsible for the assessment of real and personal property~~;
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 ~~an Assessor~~, Tax Collector and Town Treasurer.

#### C.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 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.

#### D.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.

#### E.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



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1 Selectmen. The Department shall be responsible for recreation, social service needs and related activities  
2 and shall include for administrative purposes the Housing Authority.  
3

## 4 CHAPTER IX - FINANCE AND TAXATION

5

### 6 Section 9-1. Budget

7

#### 8 A. Form of Budget

9

10 Not later than January 1, each Department, Office, Board or Commission of the Town, supported  
11 wholly or in part by Town funds, or for which a specific Town appropriation is made, except the Board of  
12 Education, shall prepare and submit to the First Selectman a detailed estimate of the expenditures to be  
13 made and the anticipated revenue other than tax revenue to be received during the ensuing fiscal year. The  
14 Board of Education shall submit its budget request by March 1. The First Selectman, after consultation  
15 with the Director of Finance and Board of Education or its agent, shall prescribe the format for budget  
16 presentation which shall include as a minimum comparative statistics for the current and preceding fiscal  
17 year operations.  
18

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

20

21 Not later than the fifteenth day of March, the First Selectman shall present to the Board of  
22 Finance and the Board of Selectmen an itemized annual operating budget, including the Board of Education  
23 budget, consisting of:  
24

- 25 1. A budget message highlighting the important features of the budget plan, indicating  
26 any major changes from the current fiscal year in financial policies, expenditures and  
27 revenues, together with the reasons for such changes, and containing a general  
28 summary of its contents;  
29
- 30 2. Revenue data, presenting in parallel columns, the itemized revenues collected in the  
31 last completed fiscal year, the current year budget estimate, estimated revenues to be  
32 collected during the current fiscal year and estimated revenues to be collected during  
33 the ensuing fiscal year;



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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;
    - (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.



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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.

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



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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 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

*Draft for Discussion at the MARCH 26, 2015 Charter Revision Commission Public Hearing*



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1 financing and shall submit the recommended single year Capital Improvement Program  
2 Expenditure Budget to the Annual Budget Meeting.  
3

## 4 Section 9-3. Supplemental Appropriations

5  
6 The Board of Finance may, upon the request of the Board of Selectmen or upon the request  
7 of any appointed or elected Board, Commission or Agency, make supplemental appropriations subject to  
8 the following approval requirements:  
9

- 10 A. The approval limits are cumulative during the fiscal year.  
11  
12 B. Any supplemental appropriation cumulatively not exceeding one-half of one percent (.5%) of  
13 the current Annual Budget may be approved by the Board of Finance.  
14  
15 C. Any supplemental appropriation which causes said amount to cumulatively exceed one-half of  
16 one percent (.5%) of the current Annual Budget shall be submitted to a Special Town Meeting.  
17 The Town Meeting shall be held not later than thirty (30) days following the action of the Board  
18 of Finance.  
19  
20 D. Any proposed supplemental appropriation shall include its proposed source of funding.  
21

## 22 Section 9-4. Borrowing

- 23  
24 A. The Town shall have the power to incur indebtedness by issuing its bonds or notes, as provided  
25 by the General Statutes, subject to the limitations thereof. The issuance of bonds and notes  
26 shall be authorized by resolution of the Town Meeting, after first being submitted to the Board  
27 of Finance for its recommendation.  
28

29 The warning for any Town Meeting at which actions is proposed on any such bond or note  
30 authorization shall state whether or not such bond or note authorization has been recommended  
31 by the Board of Finance.  
32

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



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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.

## 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.



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- 1 C. All payroll checks shall be signed by the Town Treasurer or Deputy town Treasurer and all  
2 accounts payable checks by the Town Treasurer or Deputy Town Treasurer and countersigned  
3 by the First Selectman or, if absent, by another member of the Board of Selectmen.  
4
- 5 D. The First Selectmen shall prescribe the time and manner in which persons receiving money on  
6 account of the Town shall pay the same to the Director of Finance.  
7
- 8 E. The several Departments, Commissions, Agencies, Offices and Boards of the Town, including  
9 the Board of Education, shall not involve the Town in any obligation to spend money for any  
10 purpose in excess of the amount appropriated.  
11
- 12 F. Upon request transmitted by the First Selectman, but only within the last six (6) months of the  
13 fiscal year, the Board of Finance, may, by resolution, transfer any unencumbered appropriation  
14 balance or portion, thereof, from one Department, Commission, Agency, Board or Office line  
15 item to another, with the exception of the Board of Education, which shall have the power to  
16 make its own transfers provided that such transfers are reported to the Board of Finance when  
17 so made. The departments so affected shall be notified of such transfers. No transfer shall be  
18 made from any debt service account and any funds therein shall not be used for any other  
19 purpose.  
20
- 21 G. Appropriations for construction of permanent improvements and appropriation in the Capital  
22 Non-recurring Expense Fund, from whatever source derived, shall not lapse until the purpose  
23 for which the appropriation was made shall have been accomplished or abandoned, provided  
24 that such project shall be deemed to have been abandoned if thirty-six (36) months shall elapse  
25 from the date of the approval thereof, without any expenditure from or encumbrance of the  
26 appropriation thereof.  
27
- 28 H. Any portion of an annual appropriation remaining unexpended and unencumbered at the close  
29 of the year shall lapse.  
30
- 31 I. If any officer or employee of the Town shall knowingly incur any obligation or make any  
32 expenditure in violation of the Charter or take any part therein, such action shall be cause for  
33 their removal, except in payment of final judgments rendered against the Town.  
34

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1 Section 9-7. Purchasing  
2

- 3 A. The Director of Finance or designee shall review all contracts for and purchases of supplies,  
4 materials, equipment and other commodities and services required by any Department, Office,  
5 Board, Agency or Commission of the Town, excluding the Board of Education, on requisitions  
6 signed by the head of the Department, Office, Agency, or by an appointed responsible  
7 representative.  
8
- 9 B. All requisitions for expenditures over an amount set annually by the Board of Finance shall  
10 require sealed bids, except in the case of licensed professionals such as, but not limited to,  
11 architects, lawyers, engineers, landscapers, and others, where bidding shall not be required but  
12 rather that services and fees be negotiated. Bid requests made under this section shall be  
13 published at least ten (10) days prior to the opening of said bids in a newspaper having a  
14 substantial circulation in the Town. Said sealed bids shall be opened and read aloud at a place,  
15 date and time specified in the bid notice. Said bid requests shall state that the First Selectman  
16 or his agent or the Superintendent of Schools, or their agent as applicable to educational  
17 supplies, equipment or materials, may reject any and all bids, if in their judgment, it is in the  
18 best interests of the Town to do so. If the lowest bid meets all specifications and is not accepted,  
19 the matter shall revert to the Board of Finance for its decision, or to the Board of Education as  
20 the case may be.  
21
- 22 C. Bulk items such as salt, sand, fuel, and other similar items which are delivered at intervals shall  
23 be bid based on the need for an entire fiscal year or an extended period of time, as the case may  
24 be.  
25
- 26 D. All contracts and purchase orders exceeding five-thousand dollars (\$5,000) shall be signed by  
27 the First Selectman and the Director of Finance, except for the Board of Education.  
28
- 29 E. All contracts and purchase orders for the Board of Education shall be signed by the  
30 Superintendent of Schools or their agent.  
31
- 32 F. Whenever it is deemed to be in the best interest of the Town, the Board of Finance may waive  
33 the provisions of this Section pertaining to bid requirements.  
34

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1 Section 9-8. Tax Bills

2

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

5

6 Section 9-9. Fiscal Year.

7

8 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  
9 year.

10

11 Section 9-10. Annual Audit.

12

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

16

17 CHAPTER X - GENERAL

18

19 Section 10-1. Savings Clause

20

21 A. If any Section of this Chapter shall be held invalid by a court of competent jurisdiction, such  
22 holding shall not affect the remainder of the Charter nor the context in which such Section so  
23 held invalid may appear, except to the extent that an entire Section or part of a Section may be  
24 inseparably connected in meaning and effect with the Section or part of Section to which  
25 holding shall directly apply.

26

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

30

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



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## 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. The two members elected to the Board of Finance in the 2015 regular Town election shall serve four-year terms until the 2019 regular Town election. For the 2017 town election, three positions will be filled pursuant to the election procedures contained in this Charter.

## 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, 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,



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1 commission or agency, all records, property and equipment whatsoever of such superseded body shall be  
2 transferred and delivered intact to the successor body.  
3

## 4 Section 10-~~53~~. Effective Date

5  
6 ~~This Charter shall become effective upon the approval of a majority voting therein at a Regular~~  
7 ~~Election to be held on November 7, 1989, in accordance with the provisions of Chapter 99 of the General~~  
8 ~~Statutes.~~—The amendments to this Charter shall become effective upon the approval of a majority of the  
9 voters voting therein at a regular election to be held on November 3, ~~2015~~1998, in accordance with the  
10 provision of Section 7-191 of the General Statutes.

DRAFT