BROOKFIELD TOWN CHARTER

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ARTICLE I, Incorporation and General Powers

§ C1-1. Incorporation.

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

§ C1-2. 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 that the Town possesses as of the effective date of this Charter shall be continued in the Town. The Town shall continue to be liable for its debts and obligations. Nothing herein shall be construed to affect the right of the Town agency that would fail, lapse or fall into breach by reason of any change in the powers, organizations or duties of the agency resulting from this Charter shall be assumed by the Board of Selectmen unless otherwise provided by ordinance, resolution or the terms of this Charter.

§ C1-3. General grant of powers.

In addition to all powers granted to towns under the Constitution and CT General Statutes, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by CT General Statutes, as amended, and all other powers incident to the management of the property, government and affairs of the ~~to~~ Town, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political instrumentality thereof for purposes not prohibited by law. The enumeration of particular powers in this and any other chapter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

ARTICLE II, Elections

§ C2-1. General provisions.

Nomination and election of federal and state officers and of such Town officers, boards and commissions as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote in the manner prescribed in the Constitution and the CT General Statutes and special laws of the State of Connecticut applicable to the Town. A meeting of the electors of the Town of Brookfield for the election of municipal officers shall be held biennially on the first Tuesday after the first Monday of November in the odd-numbered years.

§ C2-2. Eligibility for election.

No person shall be eligible for election to any Town office who is not at the time of his election an elector of the Town. Any such person ceasing to be an elector of the Town shall thereupon cease to hold elective office in the Town.

§ C2-3. Nomination of candidates.

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Nomination of candidates for election to any Town office shall be made pursuant to the provisions of Title 9 of the CT General Statutes.

§ C2-4. Minority representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the Town, except the Board of Selectmen and the Board of Education, shall be determined in accordance with the provisions of Section 9-167a of the CT General Statutes. Minority representation on the Board of Selectmen shall be determined in accordance with the provisions of § 3-2A of this Charter. Minority representation on the Board of Education shall be determined in accordance with the provisions of Section 9-204a of the CT General Statutes.

§ C2-5. Breaking a tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the CT General Statutes to determine who shall be elected or, in the case of a question at a referendum, whether it shall be accepted or rejected; provided, however, that this provision shall not apply to questions at referendum that, under the provisions of this Charter or of the CT General Statutes, require a minimum number of electors voting in favor of such questions in the event that the number of electors voting in favor of such question does not equal said minimum number required by such provision.

§ C2-6. Vacancies in elective offices.

A. Vacancies in the Board of Selectmen shall be filled in accordance with the provisions of Section 9-222 of the CT General Statutes.
B. **Except where prohibited by state statute, a** vacancy occurring **on any other elected Board or Commission** ~~the Board of Education, the Planning Commission and the Board of Finance~~ shall be filled by vote of the remaining members **of said Board or Commission**; but if the vacancy is not filled within sixty (60) days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy by appointment.
C. Subject to the limitations of Subsections A and B of this section, the Board of Selectmen shall fill by appointment a vacancy in any elective Town office as soon as practicable from the time the office becomes vacant in accordance with the provisions of § C4-12 of this Charter, unless specifically provided otherwise by the CT General Statutes.
D. An appointee to a vacancy in an elective office shall serve until a successor elected at a special election or at the next regular Town election qualifies. A person elected at either a special or a regular Town election to fill an unexpired term shall serve the remainder of the term.

§ C2-7. Voting districts.

There shall be such voting districts in the Town as are adopted at a Town Meeting pursuant to Section 9-169 of the CT General Statutes.

§ C2-8. Board for Admissions of Electors.

The Town Clerk and the Registrars of Voters shall constitute the Board for Admissions of Electors to perform the duties prescribed in the CT General Statutes, subject to change of membership in accordance with the provisions of the CT General Statutes.

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ARTICLE III, Elected Officers, Elected Boards and Commissions

§ C3-1. General powers and procedures; records; compensation.

A. Except as otherwise provided in this Charter, all elective Town officers, boards and commissions shall have the powers and duties prescribed by law. It shall be the responsibility of all officials of the Town to carry out their duties with the highest ethical standards regardless of personal considerations. Their conduct should at all times be for the public good and within the bounds of law, should be above reproach and should avoid conflict between public and private interest and responsibilities.
B. Except as otherwise provided by law, all elected boards and commissions shall elect a Chairman, a Vice Chairman and a Secretary within 60 days following the first Monday in December. All boards and commissions shall make regulations for the conduct of their meetings and the execution of their duties, including written policy established by each board and commission. Such regulations and policies and any amendments thereto shall be filed with the Town Clerk and shall be public record. Any vacancy in any of the officers' positions on any board or commission shall be filled by the majority vote of the members of such board or commission.
C. Copies of all minutes taken by each board and commission shall be filed with the Town Clerk and First Selectman within seven (7) business days. The recorded vote of each member thereof on all issues shall be filed with the Town Clerk and with the First Selectman within two (2) business days. The Town Clerk shall maintain files of such minutes, which shall be public record. Any changes to filing deadlines of minutes or recorded votes adopted by the Legislature and incorporated into the CT General Statutes subsequent to the adoption of this Charter shall supersede this section and shall be deemed to prevail.
D. Board and commission members, except members of the Board of Selectmen and the Board of Assessment Appeals (per Section 12-121 of the CT General Statutes), shall serve without compensation, except that necessary expenses incurred in the performance of their duties shall be paid from an appropriation for that purpose. The Board of Selectmen, limited by the provision of necessary budget appropriation and § C4-13 of this Charter, shall determine the compensation of the individual officers.
E. All resignations must be submitted in writing to the Town Clerk, except that the Town Clerk shall submit his or her resignation in writing to the First Selectman.

§ C3-2. Elected Town officers, boards and commissions.

The following officers and members of boards and commissions shall be elected for the terms herein specified commencing on the first Monday in December, unless otherwise provided herein. They shall be duly sworn to perform the duties prescribed in this Charter and in the CT General Statutes.

A. First Selectman and Board of Selectmen.
    1. The First Selectman and two (2) other members of the Board of Selectmen ("remaining Board of Selectmen") shall be elected at the regular biennial Town election in the manner provided for in § C2-4 of this Charter for the terms of two (2) years.
    2. No more than a bare majority of this entire Board, including the First Selectman, shall be members of the same political party.
B. Town Clerk. The Town Clerk, who shall also be the Registrar of Vital Statistics, shall be elected at alternate biennial elections for a term of four (4) years commencing on the first Monday in January succeeding his or her election.

C. **Town Meeting Moderator. The Town Meeting Moderator, who shall preside at all Town Meetings and exercise all powers and duties conferred upon him or her, not inconsistent with this Charter, or imposed by Chapter 90 of the Connecticut General Statutes, shall be elected at biennial town elections for a term of two (2) years commencing on the first Monday in January succeeding his or her election.**

D. Town Treasurer. The Town Treasurer, who shall also be the agent of the Town deposit fund, shall be elected at alternate biennial town elections for a term of four (4) years commencing on the first Monday in January succeeding his or her election.

E. Board of Finance. The Board of Finance shall consist of six (6) members each of whom shall be elected for a term of four (4) years. At each regular biennial Town election there shall be elected sufficient members to succeed each member whose term shall expire. The First Selectman shall be an ex officio member of the Board of Finance and, when present, shall vote only in case of a tie.

F. Board of Assessment Appeals. There shall be a Board of Assessment Appeals having three (3) members elected for terms of four (4) years. At each regular biennial Town election one (1) member or two (2) members shall be elected for terms of four (4) years on a rotating basis as terms expire.

G. Board of Education. There shall be a Board of Education having seven (7) members elected for terms of four (4) years. At each regular biennial Town election there shall be elected a sufficient number of members to maintain its number at seven (7) in the manner provided in § C2-4 of this Charter. Each political party shall have the right to nominate as many candidates as there are vacancies to be filled, and the electors may vote for the full number of such members to be elected. In the event of a mid-term election to fill a vacancy, notwithstanding any state statutes or Charter provision to the contrary, a political party may not nominate a candidate to fill that vacancy, and no candidate of that party may be a candidate, if the election of that candidate would result in the number of members of the same political party exceeding a bare majority.

H. Zoning Commission. The Zoning Commission shall consist of five (5) members each of whom is elected for a term of four (4) years. At each regular biennial Town election there shall be elected sufficient members to succeed each member whose term shall expire.

I. Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five (5) members each of whom is elected for terms of four (4) years. At each regular biennial Town election there shall be elected sufficient members to succeed each member whose term shall expire.

J. Planning Commission. The Planning Commission shall consist of five (5) members each of whom is elected for a term of four (4) years. At each regular biennial Town election there shall be elected sufficient members to succeed each member whose term shall expire.

§ C3-3. Elected state officers; terms.

At the next succeeding regular election for such office and thereafter, the following officers shall be elected:

A. Registrars of Voters. Two (2) Registrars of Voters, each for a term of four (4) years commencing on the Wednesday after the first Monday of January succeeding their election to perform the duties prescribed in Title 9 of the CT General Statutes.

~~B. Judge of Probate. One (1) Judge of Probate for a term of four (4) years commencing on the Wednesday after the first Monday in January succeeding the election to perform the duties prescribed in Title 45 of the CT General Statutes.~~

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§ C3-4. Transition of elected or appointed officers, boards and commissions.

All incumbent officers, board members and commission members shall continue to hold the office to which they were elected or appointed for the term for which they were elected or appointed and until their successors hereunder have been elected or appointed and qualified to succeed them.

ARTICLE IV, Board of Selectmen

§ C4-1. Composition.

The Board of Selectmen shall consist of the First Selectman and two (2) other Selectmen, who shall be elected as this Charter provides.

§ C4-2. General powers and duties.

Except as otherwise specifically provided for in this Charter, the Board of Selectmen shall have the powers and duties conferred by the Constitution and CT General Statutes of the State of Connecticut upon the Board of Selectmen. The legislative authority shall be vested in the Board of Selectmen except as otherwise specifically provided in this Charter and shall include but not be limited by the various provisions set forth in this Charter.

§ C4-3. Organization.

The newly elected Board of Selectmen shall meet on the first Monday in December following its election. The meeting shall be called to order by the Town Clerk who shall administer the oath of office to all members. In the absence of the Town Clerk, the meeting may be called to order and the oath administered by any elector of Brookfield authorized by law to administer oaths. The newly elected First Selectman shall then assume the chair as permanent presiding officer of the Board. The Board shall, by a majority vote of the total membership, designate a Chairman Pro Tempore from among the members of the Board to preside in the absence of the Chairman. The Board shall adopt its own rules of procedure except as specifically provided in this Charter.

§ C4-4. Procedure for conducting business.

The Board of Selectmen shall fix the date, time and place of its regular meetings and provide a method for calling special meetings. Only business, notice of which has been included in the call for such special meetings, shall be acted upon at any special meeting. Two (2) members of the Board of Selectmen shall constitute a quorum for the transaction of business. The Board of Selectmen shall act by majority vote of those present and voting unless the CT General Statutes or this Charter requires a greater vote. Minutes of each meeting shall be taken and shall include the attendance of each member and the vote of each member on all items of business before the meeting. The Board shall keep for public inspection an official record of the meetings, a copy of which shall be filed in the office of the Town Clerk within two (2) business days with respect to each member's recorded vote and seven (7) business days with respect to the filing of minutes. The official record shall also contain the rules of procedure of the Board.

§ C4-5. Public hearings and adoption of ordinances.

A. Except as otherwise specifically provided in this Charter, no ordinance shall be acted upon until at least one (1) public hearing on such ordinance shall have been held by the Selectmen. Notice of such public hearing, stating the general subject matter, date, time and place of the hearing and stating that copies of the proposed ordinance are on file with the Town Clerk, shall be given at least seven (7) calendar days in advance by publication in a newspaper having a general circulation in the Town and by posting a notice in a public place. Copies of such proposed ordinance shall be made available for public inspection at the Town Clerk's office at least seven (7) calendar days in advance of the public hearing. If substantive changes, as determined by the Town Attorney, are made in any such proposed ordinance subsequent to the public hearing required under the provisions of this section, then a second public hearing shall be held on such proposed ordinance prior to final action. Every ordinance, after passage, shall be filed with the Town Clerk and recorded, compiled and published by said Clerk as required by law.
B. Within ten (10) days after final passage, each ordinance so passed shall be published once in its entirety, or in summary form as provided by Section 7-157(b) of the CT General Statutes, in a newspaper having a general circulation within the Town. Each ordinance, unless it shall specify a later date, shall become effective on the 21st day after such publication following its passage unless procedure to overrule such ordinance is initiated in accordance with this Charter.

§ C4-6. Emergency ordinances.

If the Board of Selectmen shall find that an emergency exists in the Town affecting the public peace, health or safety, it shall be empowered to adopt regulations and ordinances stating the facts constituting the public emergency, which shall become effective immediately upon the affirmative vote of not fewer than two (2) members of the Board without public hearing or notice thereof; such ordinances shall be promulgated forthwith. Every such emergency regulation or ordinance shall be repealed upon the termination of the emergency and shall automatically stand repealed at the termination of the 61st day following adoption thereof; provided, however, that if action has been initiated on the same subject matter as an emergency ordinance providing for a permanent ordinance under § C4-5 of this Charter prior to such 61st day, then such emergency ordinance shall remain in full force and effect until final action is taken on said permanent ordinance.

§ C4-7. Petition for overrule of action of Selectmen.

All ordinances, resolutions and other actions taken by vote of the Board of Selectmen, except those making appointments or removals or regulating exclusively its internal procedures and except emergency ordinances adopted in accordance with the provisions of § C4-6 of this Charter, shall be subject to overrule by a Special Town Meeting as follows:

A. If within twenty (20) days after publication of any such ordinance or after the filing of the minutes of the meeting of the Board of Selectmen with the Town Clerk in accordance with the provisions of § C4-4 of this Charter, which filing shall constitute publication of any resolution or other action set forth in said minutes, a petition conforming to and circulated in accordance with the requirements of Sections 7-9 and 7-9a of the CT General Statutes and signed by not fewer than two percent (2.0%) of the Town electors as determined from the latest official list of registered electors is filed with the Town Clerk requesting a Special Town Meeting, the effective date of such ordinance, resolution or other action shall be suspended.

B. The Board of Selectmen shall fix a date, time and place of such Special Town Meeting, which shall be held within twenty-eight (28) days of the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a Special Town Meeting.
C. The ordinance, resolution or other action of the Board of Selectmen so referred shall take effect upon the conclusion of the meeting unless at least one percent (1.0%) of the Town electors, as determined from the latest official list of registered electors, constituting a majority of those voting thereon, shall have voted in favor of overruling.

§ C4-8. Referendum on ordinances and resolutions.

All ordinances, resolutions or other action taken by vote of the Board of Selectmen, except those making appointments or removals or regulating exclusively its internal procedures and except emergency ordinances adopted in accordance with the provisions of § C4-6 of this Charter, shall be subject to overrule by a referendum as follows:

A. If within twenty (20) days after publication of any such ordinance or after the filing of the minutes of the meeting of the Board of Selectmen with the Town Clerk in accordance with the provisions of § C4-4 of this Charter, which filing shall constitute publication of any resolution or other action set forth in said minutes, a petition conforming to and circulated in accordance with the requirements of Sections 7-9 and 7-9a of the CT General Statutes and signed by not fewer than three percent (3.0%)of the Town electors as determined from the latest official list of registered electors is filed with the Town Clerk requesting the referendum, the effective date of such ordinance, resolution or other action shall be suspended.
B. The Board of Selectmen shall fix a date, time and place for such referendum, which shall be held within twenty-eight (28) days of the filing of the petition, and notice thereof shall be given in the manner provided by law for scheduling the referendum.
C. The ordinance, resolution or other action of the Board of Selectmen shall be null and void in the event that a majority of the electors acting thereon, such majority consisting of at least one and a half percent (1.5%)of the Town electors, shall vote to overrule the action of the Board of Selectmen. Otherwise, such ordinance, resolution or other action shall take effect immediately following the referendum.

§ C4-9. Power of initiative.

A. The electors or voters shall have the power to propose to the Board of Selectmen any ordinance, except an ordinance appointing or removing officials, specifying the compensation or hours of work of officials and employees, adopting the annual budget, appropriating funds, authorizing the levy of taxes or fixing the tax rate.
B. The ordinance shall be proposed by a petition to the Board of Selectmen, in accordance with and subject to the provisions of the CT General Statutes, setting forth the proposed ordinance and requesting its adoption, which petition shall be signed by not fewer than three percent (3.0%) of the registered Town electors. The petition shall be filed with the Town Clerk, who shall, within ten (10) days, determine whether or not the petition contains the required number of valid signatures and, if it does, shall so certify to the Board of Selectmen at its next regular meeting.
C. The Board of Selectmen shall, within sixty (60) days after certification, either adopt the proposed ordinance after a public hearing or submit the same to the voters at a Special Town Meeting or a referendum or Town election to be held on a date, time and place to be determined by the Board of Selectmen within ninety (90) days from the date of the Town Clerk's certification, provided that if a general election or a Town election is to

occur within four (4) months of such certification, the ordinance may be submitted at such election. The ordinance shall be adopted if a majority of those voting vote in the affirmative, such majority consisting of at least five percent (5.0%) of the registered Town electors. No ordinance that shall have been adopted with the provisions of this section shall be repealed or amended except by vote of the qualified electors.

D. Any such proposed ordinance shall be examined by the Town Attorney before being submitted to the Town Meeting or referendum. The Town Attorney shall be authorized to correct the form of such ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, assuring accuracy in the text and references and clarifying and making more precise the phraseology but shall not change its meaning and effect.

§ C4-10. Repeal of ordinances.

A. Any ordinance adopted by the Board of Selectmen pursuant to § C4-5 of this Charter may be repealed by the vote of majority of the entire Board of Selectmen. Any ordinance adopted by a vote at a Town Meeting may be repealed only by vote of a majority of those present and voting at a Town Meeting called for that purpose. Any ordinance adopted by a referendum vote may be repealed only by majority vote of those voting at a referendum held for that purpose, provided that such majority shall consist of at least five percent (5.0%) of the qualified voters of the Town on the date of such referendum.

B. The First Selectman shall, at least biennially, review all ordinances and, upon a majority vote of the Board of Selectmen and after a public hearing, may repeal any such ordinance the Board of Selectmen deems to be obsolete or inappropriate or submit the same to a Town Meeting or referendum for repeal as required.

§ C4-11. Investigations, removals and suspensions.

A. Investigations. The Board of Selectmen shall have the power to investigate any and all agencies, boards, commissions, departments and offices and for such purposes shall have the power to call witnesses before the Board of Selectmen to testify as to any matter under investigation. Any officer or employee of the Town who upon receipt of adequate notice fails to appear or refuses to testify when so called by the Board of Selectmen shall be deemed to have resigned thereby from said office or position.

B. Removals and suspensions.

(1) The Board of Selectmen shall have the power to suspend by an affirmative vote of two (2) members and to remove for good cause by an affirmative vote of all members any person appointed to any office or position by the Board.

(2) The Board shall act first by suspending such person and shall promptly serve such person with a copy of the resolution of suspension together with the reasons therefore. If within ten (10) days after service of said resolution such person shall file a request, in writing, with the Town Clerk for a public hearing before the Board, the hearing requested shall be held, at a time and place set by the Board, not less than five (5) days nor more than fifteen (15) days after the filing of the request. At such hearing the person may be represented by counsel **at his or her own expense subject to statutory indemnification requirements**. If no hearing is requested, or at the conclusion of the hearing, the Board shall promptly by resolution terminate the suspension and either restore the person to or remove such person from office or employment. During the period of suspension, any such person shall be ineligible to perform the duties of the office or employment. Compensation, if any, shall be

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continued during the period of suspension or for thirty (30) days from the date of suspension, whichever is longer.

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§ C4-12. Appointments.

A. The Board of Selectmen shall appoint all appointive officers and shall fill by appointment all vacancies on appointed or elective boards, commissions, agencies and offices, except as otherwise specifically provided in § C2-6 and § C7-4 of this Charter.

B. In exercising the power herein conferred to fill vacancies with respect to elective offices or membership upon elective boards or commissions, the Board of Selectmen shall make an interim appointment for the unexpired portion of the term or until the next biennial Town election, whichever shall be sooner, provided that when the persons vacating the 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.

§ C4-13. Compensation.

Compensation for the members of the Board of Selectmen (other than the First Selectman) shall be set at the Annual Town Meeting or Town referendum but shall not be less per person than five percent (5%) of the First Selectman's compensation.

ARTICLE V, First Selectman

§ C5-1. Chief Executive and Administrative Officer.

The First Selectman shall be the full-time executive and chief administrative officer of the Town. The First Selectman, during his or her term of office, shall not hold any civil office that provides compensation under the government of the United States, the State of Connecticut or any subdivision thereof, except that of notary public or Justice of the Peace.

§ C5-2. Powers and duties.

The First Selectman shall have the powers and duties of First Selectman prescribed by law.

A. The First Selectman shall be the official head of the Town for all ceremonial purposes, for military purposes and for the purpose of receiving civil process.

B. The First Selectman, with the approval of the Board of Selectmen, shall establish, in writing, and be responsible for the administrative and personnel policies for Town offices and employees, including the office of First Selectman, and shall execute or cause to be executed the Town ordinances, regulations, resolutions and policies.

C. The First Selectman shall have responsibility for the care, maintenance and operation of all buildings, lands, apparatus and property that are subject to the control of the Board of Selectmen.

D. The First Selectman shall enter into contracts or agreements with government agencies, corporations or others with the approval of the Board of Selectmen and other limitations in this Charter and the CT General Statutes.

E. The First Selectman, with the approval of the Board of Selectmen, shall generally supervise the administration of the affairs of the Town, except those matters that the CT General Statutes, the Charter or an ordinance exclusively commits to the Board of Education or other boards. The First Selectman shall preside over meetings of the Board of Selectmen.

F. The First Selectman shall be an ex officio member of the Board of Finance and, when present, shall vote only to break a tie. The First Selectman shall designate members of the Board of Selectmen as ex officio members of all remaining Town boards and commissions.

§ C5-3. Employees.

The First Selectman shall hire and dismiss employees of the Town, except employees of the Board of Education and other employees whose employment is otherwise provided by law, and shall give notice of each hiring or dismissal to the Board of Selectmen at its next meeting. Such hiring or dismissal may be overruled only by a majority vote of the Board of Selectmen at its next meeting following such notification.

§ C5-4. Succession to office.

A. During the absence or disability of the First Selectman, the Chairman Pro Tempore elected at the meeting of the Board of Selectmen on the first Monday in December following the election, pursuant to § C4-3 of this Charter, shall carry out all of the duties of the First Selectman. The First Selectman shall notify the members of the Board of Selectmen and the Town Clerk, in writing, of any anticipated absence that shall consist of fifteen (15) days or greater.
B. In the event of absence or disability or should the Chairman Pro Tempore be unable to carry out said duties, the remaining member of the Board of Selectmen shall carry out all of the duties of the First Selectman.

§ C5-5. Compensation.

The First Selectman shall receive such compensation as may be determined by the approved Annual Town Budget.

ARTICLE VI, Appointed Officers

§ C6-1. Appointed officers, general.

A. There shall be the following appointed officers of the Town:
   (1) Assessor.
   (2) Building Official.
   (3) Chief Of Police.
   (4) Controller.
   (5) Director of Civil Preparedness.
   (6) Director of Health.
   (7) Director of Parks and Recreation.
   (8) Director of Public Works.
   (9) Erosion and Sedimentation Control Officer.
   (10) Fire Marshall.
   (11) Municipal Agent for the Elderly.
   (12) Sanitarian.
   (13) Tax Collector.
   (14) Town Attorney.
   (15) Tree Warden.
   (16) Wetlands Enforcement Officer.
   (17) Zoning Enforcement Officer.
B. There may be the following appointed officers of the Town subject to the approval of the Board of Selectmen:
   (1) Municipal Historian.
   (2) Land Use Enforcement Officer.

(3) Such other appointed Town officers whose office is created by appropriate action of the Board of Selectmen, Town Meeting or Town referendum.

§ C6-2. Certification requirements.

Any officer who is appointed to a position for which there exists a state certification shall either possess said certification or shall obtain the appropriate certification within such period of time as may be deemed reasonable by the Board of Selectmen.

§ C6-3. Powers and duties.

Appointed Town officers shall have such powers, duties and responsibilities and shall be subject to such restrictions and limitations as are prescribed with respect to such offices in the CT General Statutes, except as otherwise prescribed in the Charter, in the ordinances or other action of the legislative authority or in appropriate directions, from time to time, from the First Selectman, the Board of Selectmen and the respective supervisors of such officers.

§ C6-4. Assistants.

In the performance of their duties, appointed Town officers may engage such assistants as are approved by the First Selectman, provided that the compensation of any such assistant to be paid by the Town shall be limited by the process of necessary budgetary appropriation.

§ C6-5. Appointment.

All appointed officers of the Town shall be appointed by the Board of Selectmen in accordance with the provisions of § C4-12 of this Charter.

§ C6-6. Terms of office.

Except as otherwise specifically provided herein, all appointive officers shall hold office for terms of two (2) years and shall take office the first Monday in February after the biennial Town election.

§ C6-7. Director, Department of Health.

In addition to other duties prescribed by law, the Director shall supervise the activities of the Sanitarian. The Health Director shall further supervise the periodic inspection of all establishments in the Town that provide food, drinks or lodging on a commercial basis.

§ C6-8. Director, Department of Public Works.

There shall be a Department of Public Works which through its Director shall have supervision and control of the maintenance of all Town-owned structures, except such structures as are under the Parks and Recreation Commission and/or the Board of Education. The Director and Department of Public Works shall have such responsibilities as may, from time to time, be reasonably prescribed by the Board of Selectmen and shall have such qualifications by training or experience as the Board of Selectmen may require.

§ C6-9. Chief of Police.

The Chief of Police shall have such qualifications by training or experience as the Board of Selectmen may require to serve and to direct the law enforcement personnel of the Town and perform such duties as may be directed by the Board of Selectmen.

§ C6-10. Town Attorney.

A. The Town Attorney shall serve for a term of two (2) years or until a qualified successor has been appointed.
B. The duties of the Town Attorney shall include:
   (1) Review in advance of all Town Meetings the matters to be presented at such meetings and consult with the Board of Selectmen, as necessary, to assure the orderly disposition of the business of the meeting.
   (2) Prepare all ordinances proposed by any Town officer, board or commission, at the request of the First Selectman.
   (3) Review all ordinances to be acted upon and redraft the same, if necessary, in appropriate ordinance language.
   (4) Be the legal advisor to all Town officers, boards, commissions or agencies in all matters affecting the Town and attend all Town Meetings and the annual budget hearing and, at the request of the First Selectman, attend periodic meetings of the Board of Selectmen and other meetings or hearings.
   (5) Give opinions on such matters as are submitted for opinion by the First Selectman or, with the approval of the First Selectman, by any other Town officers or by the Chairman of any other Town board or commission.
   (6) **Serve as Parliamentarian of all Town Meetings, when deemed necessary by the Town Clerk and/or Town Meeting Moderator.**
C. There shall also be such special Town Attorneys as may be appointed by the Board of Selectmen for land use or other matters or to act in the absence or incapacity of the Town Attorney.
D. It shall be the responsibility of the Board of Selectmen to ensure that Town boards and commissions have access to such legal services as are required for the proper interpretation and enforcement of the laws they administer. For such purposes, boards and commissions, within the limits of their appropriations and with the approval of the Board of Selectmen, may employ specialized legal counsel.

ARTICLE VII, Appointed Boards, Commissions, Committees and Authorities

§ C7-1. General powers and procedures; records; compensation.

A. Except as otherwise provided in this Charter, all appointed boards and commissions shall have the powers and duties prescribed by law.It shall be the responsibility of all officials of the Town to carry out their duties with the highest ethical standards regardless of personal considerations. Their conduct should at all times be for the public good and within the bounds of law, should be above reproach and should avoid conflict between public and private interest and responsibilities.
B. Except as otherwise provided by law, all appointed boards and commissions shall elect a Chairman, a Vice Chairman and a Secretary by the end of February of each year. All boards and commissions shall make regulations and policy for the conduct of their meetings and the execution of their duties. Such regulations and policies and any amendments thereto shall be filed with the Town Clerk and shall be public record. Any vacancy in any of the officers' positions on any board or commission shall be filled by the majority vote of the members of such board or commission.
C. Copies of all minutes taken by each board and commission shall be filed with the Town Clerk and First Selectman within seven (7) business days. The recorded vote of each member thereof on all issues shall be filed with the Town Clerk and with the First Selectman within two (2) business days. The Town Clerk shall maintain files of such minutes, which shall be public record. Any changes to filing deadlines of

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minutes or recorded votes adopted by the Legislature and incorporated into the CT General Statutes subsequent to the adoption of this Charter shall supersede this section and shall be deemed to prevail.

D. All appointed members of Boards, Commissions, Committees and Authorities shall serve without compensation, except that necessary expenses incurred in the performance of their duties shall be paid from an appropriation for that purpose.
E. All resignations must be submitted in writing to the Town Clerk.

§ C7-2. Transition.

In the event that this Charter shall provide for the appointment of any board, commission or committee and such body was previously elected, any incumbent persons on the effective date of this Charter shall complete the terms for which they were elected but their successors, if any, shall be appointed as herein provided.

§ C7-3. Eligibility.

All members of boards, commissions and committees shall be electors of the Town and shall have such qualifications as may be provided by the Board of Selectmen or by the CT General Statutes. If any such officer or member shall cease to be an elector of the Town, such person shall thereupon cease to hold such office or membership.

§ C7-4. Appointments and vacancies.

Membership of appointed boards, commissions or other similar bodies of the Town or any vacancies therein shall be filled by appointment by the Board of Selectmen in accordance with the provisions of § C4-12 of this Charter.

§ C7-5. Minority representation.

Minority representation on any appointed board, commission or other similar body of the Town shall be determined in accordance with the provisions of Section 9-167a of the CT General Statutes.

§ C7-6. Appointed boards and commissions.

Members of the following boards and commissions shall be appointed in accordance with § C7-4 of this Charter for terms commencing on the first Monday in February. Membership and terms of office for each board or commission shall be in accordance with ADDENDUM A attached hereto.

A. Arts Commission.
B. Board of Ethics.
~~C. Building Code Board of Appeals.~~
~~D. Building Code Board of Appeals Alternates.~~
E. Candlewood Lake Authority.
F. Commission on Aging.
G. Commission on Aging Alternates.
H. Conservation Commission.
I. Conservation Commission Alternates.
J. Economic Development Commission.
K. Economic Development Commission Alternates.
~~L. Gurski Homestead Commission.~~
M. Historic District Commission.
N. Historic District Commission Alternates.

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O. Housing Authority.
P. Inland Wetlands Commission.
Q. Inland Wetlands Commission Alternates.
R. Lake Lillinonah Authority.
S. Library Board of Trustees.
~~T. Library Board of Trustees Alternates.~~
U. Municipal Building Committee.
V. Municipal Building Committee Alternates.
W. Parks and Recreation Commission.
X. Parks and Recreation Commission Alternates.
Y. Planning Commission Alternates.
Z. Police Commission.
AA. Police Commission Alternates.
BB. Water Pollution Control Authority.
CC. Water Pollution Control Authority Alternates.
~~DD. Youth Commission.~~
~~EE. Youth Commission Alternates.~~
FF. Zoning Board of Appeals Alternates.
GG. Zoning Commission Alternates.

§ C7-7. Creation and discontinuance of offices, boards, commissions and committees.

The Board of Selectmen, by a majority vote of the entire Board, may create such new offices, boards, commissions and committees as it may determine are necessary or proper for the general health, safety and welfare of the Town and may prescribe their duties by ordinance. The Board of Selectmen, by majority vote of the entire Board and after a public hearing pursuant to § C4-5, may also discontinue any appointed office, board, commission or committee that it may deem no longer necessary or proper for such purposes, including any such office or agency created under this Charter. The Board of Selectmen may, by ordinance, increase or decrease the membership of any appointed board or commission.

ARTICLE VIII, Finance and Taxation

§ C8-1. Fiscal year; accounting; auditing.

A. The fiscal year of the Town shall begin on the first day of July and end on the 30th day of June.
B. The system of accounts used by the Town agencies and departments shall be that prescribed by the regulations of the Board of Finance. All regulations of the Board of Finance shall be consistent with this Charter and the powers and duties of other Town agencies and departments and shall be complied with by all Town agencies and departments.
C. The Board of Finance shall provide for an annual independent audit of the books and accounts of the Town as required by the CT General Statutes.

§ C8-2. Preparation of budget.

A. Department heads. At least one hundred sixty-five (165) days before the end of the fiscal year the head of each office or agency of the Town supported wholly or in part from Town funds, with the exception of the Board of Education, shall file with the First Selectman a detailed estimate of the expenditures to be made by that office or agency and the revenues, other than property tax revenues, to be collected thereby in the

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ensuing fiscal year. For the Board of Education, said estimate shall be filed not later than one hundred fifty (150) days before the end of each fiscal year. Such estimates shall be accompanied by a statement setting forth the services, activities and work accomplished or to be accomplished during the current year and planned for accomplishment during the ensuing fiscal year.

B. First Selectman's duties. The First Selectman shall review the budget estimates with the heads of all Town-supported offices and agencies. Upon completion of the review, the First Selectman shall, not later than one hundred thirty-five (135) days before the end of the fiscal year, present to the Board of Selectmen and the Board of Finance, together with any recommended alterations or changes, the budget of all Town offices and agencies, including:
   (1) A budget message describing the important features of the proposed Town budget indicating major changes from the current year, expenditures and revenues, together with the reasons for such changes and containing a clear general summary of the budget contents.
   (2) A recommendation for those capital projects to be undertaken during the ensuing fiscal year and the method of financing these projects.

C. Board of Selectmen's duties. The Board of Selectmen shall consider the budget estimates as submitted by the First Selectman and shall make such further revisions as the Board deems desirable. The Board of Selectmen shall then submit its budget recommendations to the Board of Finance not less than one hundred twenty (120) days before the end of the fiscal year.

D. Board of Finance duties.
   (1) Upon receipt of budget recommendations from the Board of Selectmen, the Board of Finance shall prepare a proposed Town budget.
   (2) The Board of Finance shall, upon request, afford each agency and department an opportunity for a hearing on the proposed budget of such agency or department, first giving notice to the Board of Selectmen with respect to the hearing on the proposed budget of each agency and department.
   (3) The Board of Finance shall hold one (1) or more public hearings concerning the proposed Town budget, one (1) of such hearings to be held not less than fourteen (14) days before the Annual Town Meeting, at which hearings any person qualified to vote at the Annual Town Meeting shall have an opportunity to be heard. The Board of Finance may then revise the proposed Town budget as it deems advisable.
   (4) The proposed Town budget may include a contingency fund established in accordance with the CT General Statutes and an appropriation to any fund for capital and nonrecurring expenditures which may be established in accordance with the CT General Statutes and may provide for the payment of any part of the debts of the Town. The proposed Town budget shall also include estimates of the revenue to the Town from all sources for the ensuing year, including taxes to be raised on the last completed grand list. The Board of Finance shall present the budget to the Annual Town Meeting.
   (5) The Board of Finance shall make available copies of the proposed Town budget in the office of the Town Clerk not less than ten (10) days before the public hearing. It shall, before the Annual Town Meeting, publish the proposed Town budget in a newspaper of general circulation in the Town and make available the proposed Town budget and any other reports prescribed by law.

§ C8-3. Adoption of budget.

A. Adoption of the budget submitted by the Board of Finance, and acted upon at the Annual Town Meeting in accordance with §§ C9-1, C9-2 and C9-3, shall be by vote at a referendum held between the hours of 6:00 AM and 8:00 PM not less than eight (8) nor more than fourteen (14) days following the Annual Town Meeting. **At the referendum, the proposed budget shall be voted on in two separate parts, in two separate questions, one for Town Operations and one for Education.**

B. In the event the referendum shall fail to adopt **one or both parts of** the budget, the referendum shall be adjourned until the fourteenth (14) day following and thence to successive fourteen (14) days until ~~the~~ **both parts of the** budget ~~is~~ **become** adopted **at the same referendum.** Appropriate notice shall be given prior to each referendum.

C. Upon rejection of **one or both parts of** the budget ~~in whole or in part~~ by referendum, the budget shall be reconsidered by the Board of Finance. **The Board of Finance** shall then approve the same or a revised budget for presentation at the next referendum.

D. In the event that no budget has been adopted by the end of the fiscal year, the budget for the then-current fiscal year shall be deemed to be the temporary budget for the forthcoming fiscal year, and expenditures shall be made on a month-to-month basis in accordance therewith until such time as a new Town budget is finally adopted.

§ C8-4. Laying and collection of taxes.

A. Within fifteen (15) days after the adoption of the annual Town budget, the Board of Finance shall meet and shall lay such tax as is required by the CT General Statutes.

B. The Tax Collector shall then collect the tax in accordance with the CT General Statutes. The due date shall be fixed by ordinance.

C. In the event no budget has been adopted by the end of the fiscal year, and until a new budget is approved and the Board of Finance lays on the appropriate taxes in accordance with § C8-4A of this Charter, the Town may raise revenues in accordance with Section 7-405 of the CT General Statutes or by appropriate action taken by the Board of Finance.

§ C8-5. Special appropriations and transfers of appropriations.

A. The Board of Selectmen, when requested by any Town department and after approval by the Board of Finance, may make special appropriations from cash surplus, borrowing as limited by § C8-8 of this Charter or any approved contingency fund in amounts not to exceed in the aggregate in any one (1) fiscal year ten percent (10%) of the amount appropriated or **forty thousand dollars ($40,000),** whichever is greater, for such department in the current Town budget, provided that the aggregate sum so appropriated for all agencies in any fiscal year does not exceed one percent (1%) of the total annual Town budget. The Board of Selectmen when requested by any Town department may also transfer unexpended balances from one appropriation to another within the same department in accordance with the CT General Statutes.

B. If within twenty (20) days from the Board of Finance rejection of a request for either a special appropriation or transfer pursuant to ~~C8-5A of~~ this Charter, a petition signed by not fewer than four percent (4.0%) of the Town electors as determined from the latest official list of registered electors is filed with the Town Clerk requesting either a Special town Meeting or referendum as required by ~~C8-5A of~~ this Charter, such Special Town Meeting or referendum shall be held.

C. The Board of Education may transfer unexpended balances from one appropriation to another in accordance with the CT General Statutes.

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D. Any request by any Town department for a special appropriation which shall exceed the amount that the Board of Selectmen is empowered by § C8-5A of this Charter to appropriate for that department in any one (1) fiscal year shall be acted upon by a Special Town Meeting after approval by the Board of Finance.
E. Special appropriations other than those from cash surplus, borrowing as limited by § C8-8 of this Charter or any approved contingency fund may be acted upon only by a Special Town Meeting after approval by the Board of Finance.
F. All requests for special appropriations and transfers of unexpended funds shall be made in writing to the Board of Selectmen, which shall, within fourteen (14) calendar days after receipt thereof, forward such requests together with such comments and recommendations as the Board of Selectmen deems advisable to the Board of Finance. The Board of Finance shall act on all requests for special appropriations or transfers of unexpended funds within thirty (30) days after receipt thereof and shall immediately after acting advise the department making such request and the Board of Selectmen of its action. The Board of Selectmen shall act on such requests within fourteen (14) calendar days after notice of approval of such requests by the Board of Finance and shall immediately advise the department making such requests of its action.
G. The provisions of this § C8-5 of this Charter shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in accordance with the CT General Statutes and § C9-4 of this Charter. The Board of Finance shall recommend the methods for financing a capital expenditure.

§ C8-6. Emergency appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total of which shall not exceed one half of one percent (1/2 of 1%) of the total annual budget, may be made upon the recommendation of a majority of the members of the Board of Selectmen and by an affirmative vote of not fewer than four (4) members of the Board of Finance. In the absence of sufficient general fund resources to meet such appropriations, additional means of financing shall be provided in such manner as may be determined by the Board of Finance.

§ C8-7. Purchases.

A. No agency shall make a purchase except through the First Selectman or Treasurer or a Town employee designated by the First Selectman. Any board or commission that may require the assistance of an outside professional consultant in the furtherance of its mandated responsibilities shall submit the name of the firm or consultant to the Board of Selectmen for its approval, including the estimated cost to the Town for said services. The Board of Selectmen shall be the ultimate hiring authority and shall enter into contract, if required, with said firm or consultant.
B. No voucher, claim or charge against the Town shall be paid until First Selectman or the Treasurer or a Town employee designated by the First Selectman has audited the same and approved for correctness and validity. Checks shall be signed by the First Selectman for the payment of approved claims and shall be valid only when countersigned by the Treasurer. In the absence or inability to act of either the First Selectman or the Treasurer with respect to the above duty, the Board of Selectmen shall designate a Selectman in accordance with § C5-4 of this Charter to substitute temporarily for the First Selectman and another Town officer or employee to act for the Treasurer.
C. When any agency shall desire to secure a transfer of funds within its appropriation from funds set apart for one specific purpose to another, before making any expenditure

thereof such agency shall first make application to the Board of Selectmen, whose duty it shall be to examine the matter. Upon the recommendation of the Board of Selectmen, the Board of Finance may make such transfer.

D. Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any such project shall be deemed to have been abandoned if ~~three (3)~~ **five (5)** fiscal years shall elapse without any expenditure from or encumbrance of the appropriation therefore. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.

E. Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof with knowledge of illegality shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein, such action shall be cause for removal.

§ C8-8. Borrowing.

A. The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the CT General Statutes subject to the limitations thereof and the provisions of this Charter.

B. Borrowing limits.

(1) The Board of Selectmen shall have the power to borrow funds and authorize the issuance of notes to be repaid out of the receipts from taxes collected within the fiscal year such indebtedness is incurred and one (1) month thereafter, up to an aggregate amount of fifty thousand dollars ($50,000.) during any fiscal year, provided that no such borrowing shall be made in excess of the aggregate amount of twenty-five thousand dollars ($25,000.) in any fiscal year without the approval of the Board of Finance.

(2) Any borrowing and any issuance of bonds or notes, except tax anticipation notes, in excess of fifty thousand dollars ($50,000.) shall be authorized by a Town Meeting on the recommendation of the Board of Selectmen and the approval of the Board of Finance.

(3) Any borrowing and any issuance of bonds or notes, except tax anticipation notes, in excess of one million dollars ($1,000,000.) shall be authorized at a referendum pursuant to § C9-4B of this Charter upon the recommendation of the Board of Selectmen and approval of the Board of Finance.

C. In the event that the Board of Finance shall determine that any nonrecurring expenditure proposed by the Board of Selectmen and approved by the Board of Finance is so large an amount that the tax laid to pay it would make the total tax so high that in the judgment of the Board of Finance it would be inconsistent with the public welfare, the Board of Finance may authorize, subject to the vote of a Town Meeting, borrowing such amount and the issuance of notes to be repaid over a period of not more than five (5) years in accordance with the provisions of the CT General Statutes.

D. All notes or bonds issued by the Town shall be executed and delivered by the First Selectman and the Treasurer or such other officer as may be designated by the vote authorizing their issuance. Any vote of the Town Meeting authorizing the issuance of notes may delegate the authority to establish all terms except the amount, time of

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repayment and maximum interest rate. Borrowing in amounts in excess of twenty-five thousand dollars ($25,000.) shall be on the basis of written bids.

ARTICLE IX, Town Meetings

§ C9-1. Annual and Special Town Meetings.

A. An Annual Town Meeting for the consideration of the budget and the transaction of other Town business shall be held on the first Tuesday in May. Special Town Meetings shall be called by the Board of Selectmen under the terms of this Charter and in the manner provided by the CT General Statutes.

B. In the call of the Annual Town Meeting, the Board of Selectmen shall **state that** the budget submitted by the Board of Finance **shall** be decided ~~in a single amount inclusive of Town Operations and Education, or~~ in **two** separate ~~amounts~~ **parts** for Town Operations and Education consistent with § C8-3of this Charter. **In the call of the Annual Town Meeting,** the Board of Selectmen shall recommend a date for a referendum consistent with § C8-3 of this Charter.

C. In the call of the Annual Town Meeting, ~~the Board of Selectmen may recommend the placement of~~ non-binding advisory questions for the Town and Education portions of the budget **shall be included** on the **referendum** ballot. The potential response to such questions shall be limited to and exclusively listed as "too low", "adequate" or "too high".

§ C9-2. Procedure.

A. All Town Meetings shall be called to order by **the Town Meeting Moderator, but in the absence of the Town Meeting Moderator, a moderator shall be elected at the Town Meeting**. ~~First Selectman or a designated representative. A moderator shall be elected and~~ All business shall be conducted in the manner prescribed by Robert's Rules of Order. The Town Clerk shall serve as clerk of all Town Meetings, but in the absence of the Town Clerk the meeting may designate an Acting Clerk.

B. All actions at a Town Meeting, unless otherwise specified in this Charter, shall be adopted by a majority vote of the qualified voters present and voting at the meeting.

§ C9-3. Modifications at Annual Town Meeting.

A. The Annual Town Meeting shall by majority vote by those attending have the power to amend ~~any~~ **the** recommendation **for a referendum date** set forth in § C9-1B.

B. If the number of qualified voters present is equal to or greater than four percent (4.0%) of registered Town electors, the Annual Town Meeting shall have the power to amend the budget submitted by the Board of Finance by decreasing or deleting any appropriation or item in an appropriation, but it may not increase any appropriation nor make any appropriation for a purpose not recommended by the Board of Finance.

§ C9-4. Actions requiring a Town Meeting.

A. The following actions require a Town Meeting:

(1) Adoption of any resolution making an appropriation of more than one half of one percent (1/2 of 1%) of the total annual appropriation and not included in the annual budget.

(2) Any resolution authorizing the issuance of notes or bonds or other borrowing from fifty thousand dollars ($50,000.) to one million dollars ($1,000,000.) not included in the budget and any resolution authorizing the issuance of tax anticipation notes in excess of fifty thousand dollars ($50,000.). Any resolution authorizing the issuance of notes, bonds or other borrowing, except tax anticipation notes, of one million

dollars ($1,000,000.) or more shall be authorized at a referendum submitted to electors and voters to be conducted as provided in Chapter 152 of the CT General Statutes. The date for the referendum shall be set at a Town Meeting duly called for the purpose of discussing the resolution and setting said date. The date for the referendum shall be set not less than forty-five (45) days nor more than ninety (90) days following the date of said Town Meeting. In the event that the Town Meeting does not set the date for a referendum as required herein, then the Board of Selectmen shall set the date for the referendum.

(3) Any sale of real estate or any interest therein of the Town except property acquired by tax foreclosure and any purchase of real estate or interest therein.

(4) Real estate leases and/or lease options to which the Town is a party for terms in excess of five (5) years.

(5) The discontinuance or abandonment of Town roads.

(6) Initial applications for federal or state grants involving the commitment to expend Town funds that have not yet been appropriated.

(7) To consider overruling of an ordinance in accordance with the provisions of § C4-7 of this Charter.

(8) Any matter deemed by the Board of Selectmen to be of sufficient importance to the Town.

B. The Town Meeting shall not act upon any proposal except upon the recommendation of the Board of Selectmen or as provided by §§ C4-7, C4-9 and C9-5 of this Charter nor act upon any appropriation that has not been acted upon by the Board of Selectmen and approved by the Board of Finance.

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§ C9-5. Town Meetings by petition.

The Board of Selectmen shall call a Special Town Meeting within twenty-eight (28) days after a petition calling for the same for any proper purpose, signed by not fewer than three percent (3.0%) of the Town electors as determined from the latest official list of registered electors, shall have been filed in the Town Clerk's office. A Town Meeting called by petition hereunder shall take no action with respect to any matter other than those described in § C9-4 of this Charter, and if the action called for involves the expenditure or borrowing of money, no action shall be taken without the approval of the Board of Finance. Any such petition shall clearly state the action to be taken at the Town Meeting and shall conform to the provisions of Sections 7-9 and 7-9a of the CT General Statutes.

§ C9-6. Submission of matters to voters.

A. The Board of Selectmen may, not less than five (5) days prior to any Special Town Meeting, remove any item on the call of said meeting and submit the same to the voters by vote on the voting machines as provided in Section 7-7 of the CT General Statutes. The Selectmen shall set the date for such vote not less than seven (7) calendar days nor more that fourteen (14) calendar days following the Special Town Meeting pursuant to the provisions of said Section 7-7 of the CT General Statutes.
B. In exercising the above powers, the Board of Selectmen shall first determine that the matter is of sufficient import or significance to merit broad participation by the electors and voters.

ARTICLE X, Code of Ethics; Conflict of Interest

§ C10-1. Ethical standards and general powers of the Board of Ethics.

All officials and employees of the Town shall carry out their duties with the highest ethical standards regardless of personal considerations. Their conduct shall at all times be for the public good and within the bounds of law, shall comply with this Charter and the Town Code of Ethics, shall be above reproach and shall avoid conflict between public and private interests and responsibilities. The Board of Ethics shall determine any ambiguities and otherwise interpret the provisions of this Article X of this Charter.

§ C10-2. Code of Ethics.

There shall be a Code of Ethics governing the conduct of elected and appointed officers and employees of the Town that the Board of Selectmen shall, by ordinance, provide.

§ C10-3. Conflicts of interest.

A. Any elected or appointed Town officer, official or employee, any elected or appointed members of Town boards, commissions, committees and/or authorities who has a financial interest, direct or indirect, in any contract, any transaction or any decision of any agency, board or commission of the Town to which the Town is a party shall disclose that interest in writing to the Board of Selectmen, which shall record such disclosure upon the official record of its meeting and shall file a copy of such record in the office of the Town Clerk. Any such officer, official or employee shall be disqualified from acting on any such matter coming before such office, board or commission.
B. Violation of the provisions of this section shall be grounds for the removal of any such officer, official or employee **subject to the provisions of the Connecticut General Statutes and state law.** Such violation with the knowledge, expressed or implied, of

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any person, firm or corporation participating in such contract, transaction or decision shall render the same voidable by the Board of Selectmen.

§ C10-4. Scope of responsibility.

A. The Board of Ethics shall be charged with the administration of the Code of Ethics. Written ethics complaints can be filed with the Board of Ethics or the Board of Ethics may consider violations on their own volition. The Board of Ethics may retain counsel to provide advice ~~in its deliberations~~ **and legal representation.**

B. Any willful violation of the dictates of law, of this Charter, or of the Town Code of Ethics Ordinances shall be reason for the removal of any elected or appointed official, or any employee of the Town **subject to the provisions of the Connecticut General Statutes and state law**. If the violation was by an action of a member(s) of the Board of Ethics, the Board of Selectmen shall act as the temporary Board of Ethics for the purposes of such the applicable portion of such complaint.

C. (1) The findings of the Board of Ethics will be forwarded to the Board of Selectmen for action. The Board of Selectmen shall implement the recommendation(s) of the Board of Ethics unless, by no less than a 2/3 vote by the entire Board of Selectmen taken within 30 days of receipt of the recommendation, the Board of Selectmen rejects the recommendation of the Board of Ethics.

(2) The Board of Ethics may retain counsel to pursue enforcement of its recommendations.

ARTICLE XI, Transition and Miscellaneous Provisions

§ C11-1. Transfer of powers.

The powers that are conferred and the duties that are imposed upon any office, agency, board or commission under the CT General Statutes or special acts concerning the Town or any ordinance or regulation in force at the time this Charter shall take effect, if such office, agency, board or commission is abolished by this Charter, shall be thereafter exercised and discharged by the office, agency, board or commission upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All offices, agencies, boards and commissions abolished by this Charter shall continue in the performance of their duties until provision shall have been made for the discontinuance of such offices, agencies, boards or commissions and the performance of their duties by other offices, boards or commissions created under this Charter and until the Town Clerk shall have notified the members of such offices, agencies, boards or commissions as are abolished that their successors have qualified. All powers which are conferred and the duties that are imposed upon the Board of Finance, in force at the time this Charter shall take effect, shall under the CT General Statutes or any ordinance or regulation concerning said Board thereafter be exercised and discharged by the Selectmen unless otherwise specifically provided in this Charter.

§ C11-2. Transfer of records and property.

All Town records, property and equipment whatsoever of any office, agency, board or commission or part thereof, all the powers and duties of which are assigned to any other office, agency, board or commission by this Charter, shall be transferred and delivered intact to the office, agency, board or commission to which such powers and duties are so assigned. If part of the powers and duties of any office, agency, board or commission or part thereof are by this Charter assigned to another office, agency, board or commission, all records, property and

equipment relating exclusively thereto shall be transferred and delivered intact to the office, agency, board or commission to which such powers and duties are so assigned.

§ C11-3. Status of employees and employee rights and privileges.

All employees of the Town, on the effective date of this Charter, shall retain such positions until promoted, transferred, reduced in rank or removed in accordance with the provisions of this Charter. Any provision of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointment, ranks, grades, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or agency thereof shall continue in effect until or unless amended or repealed in accordance with the provisions of this Charter.

§ C11-4. Legal proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any office, agency, board or commission thereof shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding the functions, powers and duties of any office, agency, board or commission, but in the event the same may be prosecuted or defended by the head of the office, agency, board or commission to which such functions, powers and duties have been assigned or transferred by or under this Charter.

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§ C11-5. Continuation of appropriations and Town funds.

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

§ C11-6. Existing laws and ordinances.

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

§ C11-7. Review and amendment of Charter.

This Charter may be amended in the manner prescribed by the CT General Statutes. The Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the Town, but not less often than once every five (5) years, said review to be published as part of the Annual Town Report. The Board of Selectmen shall appoint a commission not later than five (5) years from the effective date of this Charter to review, amend or revise said Charter in the manner prescribed by the CT General Statutes.

§ C11-8. Rules of construction; severability.

A. This Charter is intended to avail, make use of and exercise the full home rule powers of the Town under the Home Rule Law and any other statute now in effect or hereafter enacted and any other home rule powers thereof under the Constitution of the State of Connecticut, under the common law or otherwise.
B. Nothing herein contained shall be construed as intended to conflict with or be inconsistent with any General Statutes of the State of Connecticut expressing any substantial public policy of the state. It shall be construed as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.
C. If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such ruling shall directly apply.

§ C11-9. Word 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.

§ C11-10. Reference to the CT General Statutes.

All references to the CT General Statutes made herein are to the General Statutes of Connecticut, as amended.

§ C11-11. When effective.

This Charter shall become effective upon the approval of a majority of the Town electors voting hereon at a regular or special election as determined by the Board of Selectmen and in accordance with the provisions of Chapter 99 of the CT General Statutes, as amended.

ADDENDUM A

I. Membership: Appointed Boards, Commissions and Authorities.

The following appointed boards and commissions shall all consist of five (5) members, three (3) members appointed for terms of two (2) years, two (2) members for terms of four (4) years and biennially thereafter three (3) or two (2) members shall be appointed for terms of four (4) years as terms expire:

~~A. Building Code Board of Appeals.~~
B. Commission on Aging.
C. Conservation Commission.
D. Historic District Commission.
E. Housing Authority.
F. Inland Wetlands Commission.
G. Municipal Building Committee.
H. Parks and Recreation Commission.
I. Police Commission.
J. Water Pollution Control ~~Commission~~ **Authority**.

II. Alternates: Appointed Boards, Commissions and Authorities.

The following appointed board, commission and authority alternates shall all consist of three (3) alternates, two (2) alternates for terms of two (2) years and one (1) alternate for a term of four (4) years and biennially thereafter one (1) or two (2) alternates shall be appointed for terms of four (4) years on a rotating basis as terms expire:

~~A. Building Code Board of Appeals Alternates.~~
B. Commission on Aging Alternates.
C. Conservation Commission Alternates.
D. Historic District Commission Alternates.
E. Inland Wetlands Commission Alternates.
~~F. Library Board of Trustees Alternates.~~
G. Municipal Building Committee Alternates.
H. Parks and Recreation Commission Alternates.
I. Planning Commission Alternates.
J. Police Commission Alternates.
K. Water Pollution Control Authority Alternates.
L. Zoning Board of Appeals Alternates.
M. Zoning Commission Alternates.

III. Other Appointed Boards, Commissions and Authorities listed in Charter

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In addition, the following appointed boards, commissions and authorities shall exist, whose membership and duties shall be either as described herein or as provided by the ordinance that established such board, commission or authority:

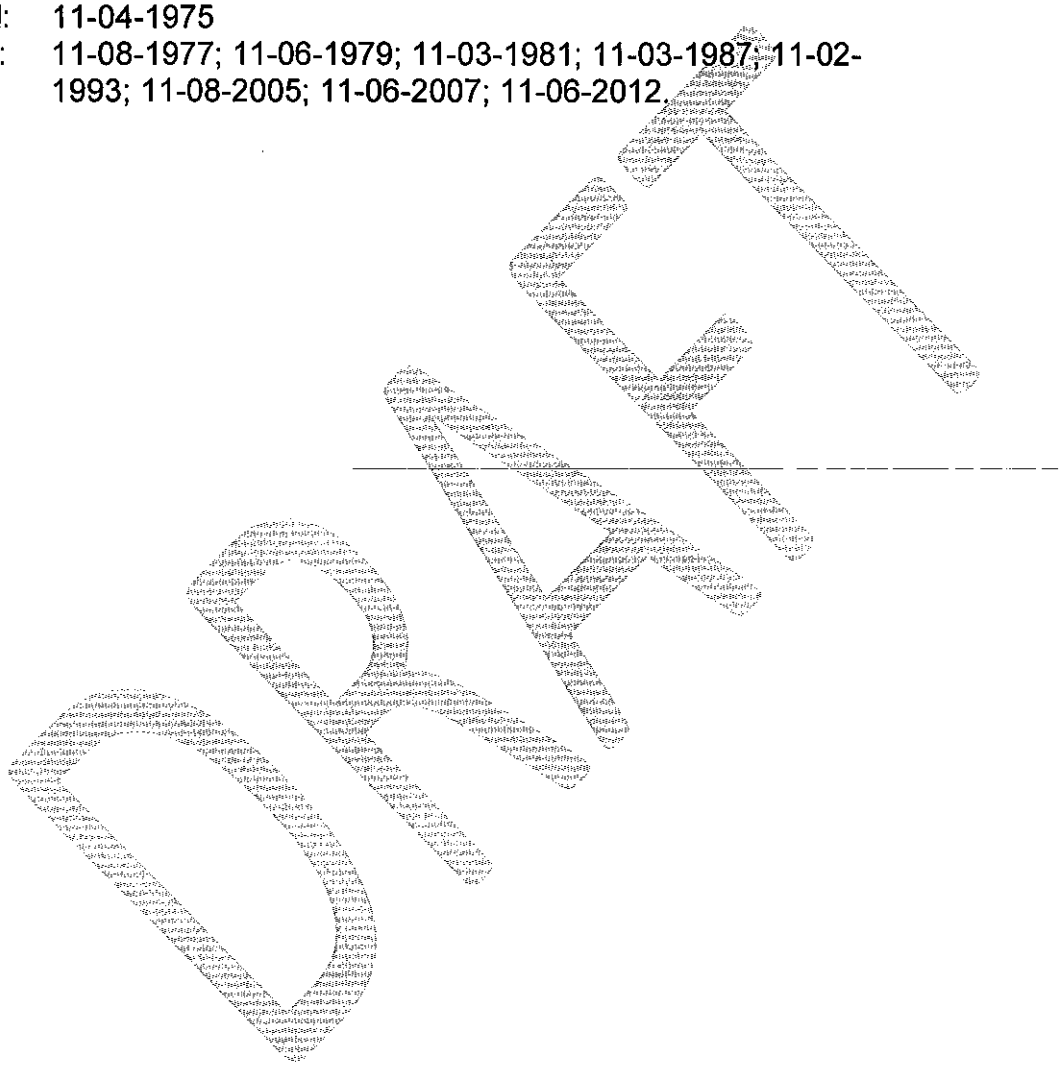
A. Arts Commission, consisting of fifteen (15) electors of the Town. Eight (8) of the members shall be appointed for terms of two (2) years and seven (7) members shall be appointed for terms of four (4) years and biennially thereafter eight (8) or seven (7) shall be appointed for terms of four years as terms expire. Said appointments shall expire in the first Monday in February.
B. Board of Ethics, consisting of three (3) electors of the Town. One (1) member shall be appointed for a term of two (2) years and two (2) members shall be appointed for terms of four (4) years and biennially thereafter as terms expire. Said appointments shall expire on the first Monday in February.
C. Candlewood Lake Authority, consisting of three (3) electors of the Town. One (1) member shall be appointed for a term of one (1) year, one (1) member for a term of two (2) years, and one (1) member for a term of three (3) years, and annually thereafter one (1) member shall be appointed for a term of three (3) years on a rotating basis as terms expire, to perform the duties prescribed in Section 7-151a of the CT General Statutes.
D. Economic Development Commission, consisting of seven (7) electors of the Town. Four (4) of the members shall be appointed for terms of two (2) years, three (3) of the members for terms of four (4) years, and biennially thereafter as terms expire. Said appointments shall expire on the first Monday in February.
E. Lake Lillinonah Authority, consisting of three (3) electors of the Town. One (1) member shall be appointed for a term of one (1) year, one (1) member for a term of two (2) years, and one (1) member for a term of three (3) years, and annually thereafter one (1) member shall be appointed for a term of three (3) years on a rotating basis as terms expire, to perform the duties prescribed in Section 7-151a of the CT General Statutes.
~~F. Youth Commission, consisting of five (5) electors of the Town and five (5) resident, non-voting youth representatives of the Town. Adult members shall be appointed for terms of four (4) years, and youth members shall be appointed for terms of the (2) years. Said appointments shall expire on the first Monday in February.~~
G. Library Board of Trustees, consisting of ~~six (6)~~ **nine (9)** electors of the Town, in accordance with Section 11-21 of the CT General Statutes. ~~Three (3)~~ **Five (5)** members shall be appointed for terms of two (2) years, ~~three (3)~~ **four (4)** members shall be appointed for terms of four (4) years, and biennially thereafter three (3) members shall be appointed for terms of four (4) years as terms expire. Said appointments shall expire on the first Monday in February.
~~H. Gurski Homestead Commission, consisting of eleven (11) electors of the Town. Five (5) members shall be appointed for a term of two (2) years and six (6) members shall be appointed for a term of four (4) years and biennially thereafter as terms expire. Said appointment shall expire on the first Monday in February.~~

ADDENDUM B, Connecticut CT General Statute References

The following statutory citations are provided for reference only and the statute numbers are accurate up to the adoption of the Charter.

A. Sections 7-1 through 7-9d.
B. Section 7-343, Board of Finance.
C. Section 8-19, Planning Commission.

D. Sections 9-12 through 9-67.
E. Section 9-15a.
F. Section 9-188, Board of Selectmen.
G. Section 9-222, Vacancies on Board of Selectmen.
H. Section 10-219, Board of Education.
I. Section 11-21, Library Boards

ADDENDUM C, CHARTER HISTORY

Adopted: 11-04-1975
Revised: 11-08-1977; 11-06-1979; 11-03-1981; 11-03-1987; 11-02-1993; 11-08-2005; 11-06-2007; 11-06-2012.