

Town Charter

Salem, Connecticut



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CHAPTER I - INCORPORATION AND GENERAL POWERS

SECTION 1.01 INCORPORATION

All of the inhabitants dwelling within the territorial limits of the Town of Salem in the State of Connecticut, as said limits now or may hereafter be constituted by law, shall continue to be a body politic and corporate under the name of the "Town of Salem", hereinafter called the Town. The Town shall have perpetual succession and may hold and exercise all powers and privileges heretofore vested in said Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges presently or hereafter conferred on municipalities under the general laws of the State of Connecticut.

SECTION 1.02 RIGHTS AND OBLIGATIONS

All property interests, both real and personal, all actions, rights and causes of action and rights of every description and all securities and liens vested or inchoate which the Town possesses as of the effective date of this Charter shall be continued in said 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 shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien. If, prior to the effective date of this Charter, any contract has been entered into by the Town, or any bond or undertaking has been given by or in favor of the Town which contains a provision that the same may be enforced by any board which is abolished by the provisions of this Charter, or by any official whose office is so abolished, such contract, bond or undertaking shall in no manner be impaired but shall continue in full force and effect.

SECTION 1.03 GENERAL GRANT OF POWERS

In addition to all of the powers granted to the Town under the Connecticut Constitution and General Statutes, particularly Section 7-148 and Section 7-194 of the General Statutes, the Town shall have all of the powers granted by or implied in this Charter, and all other powers necessary to the management, government and affairs of the Town.

The Town shall have the power to enter into contracts for any purposes not prohibited by law.

The enumeration of specific powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of powers, but shall be considered as an addition thereto.

SECTION 1.04 EFFECT OF CHARTER - EXISTING LAWS AND ORDINANCES

This Charter shall be the fundamental law of the Town in the administration of its local affairs. Special acts and ordinances, or portions thereof, which are inconsistent with this Charter and superseded by this Charter shall have no further force or effect after the effective date of this Charter. Other special acts affecting the Town, and all other ordinances,

resolutions, and bylaws duly adopted and in force before the effective date of this Charter shall remain in force, but shall have no force of law whenever they conflict with the provisions of this Charter.

SECTION 1.05 DEFINITIONS

- Ad Hoc Committee** An appointed task force, committee or study group appointed by a duly authorized body to perform a specific function for the Town.
- Appointed Board** A Town board composed of one or more individuals appointed by the Board of Selectmen.
- Appointed Official** An official of the Town appointed by the Board of Selectmen and serving at the direction of the Board of Selectmen.
- Board** When the word “board” is used in this Charter, it shall be interpreted to mean the following: "board, agency, commission, committee or similar body of the Town". The term as used shall apply whether such are elected or appointed.
- Capital Plan** A proposal for capital spending to be approved by the legislative body for capital expenditures over the next five years.
- Department** All departments, agencies and other subdivisions of the Town, regardless of whether composed of appointed officials or elected officials and regardless of whether now or hereafter existing under the terms of this Charter, the General Statutes or any other mandate to which the Town is subject.
- Elected Board** A Town board, commission, or committee composed of one or more individuals elected by secret ballot by a plurality of the electors of the Town voting for said elected position.
- Elected Official** An official of the Town chosen by secret ballot by a plurality of the electors of the Town voting for said elected position.
- Election** A regular election as defined in the General Statutes.
- Elector** Any person possessing the qualifications prescribed by the Connecticut Constitution and General Statutes and duly admitted to, and entitled to exercise the privileges of an Elector in the Town.

He/His	He/his has been used throughout this Charter for consistency and convenience in sentence construction. The use of the terms “he”, “his”, or any other masculine usage shall not be literally interpreted, but rather should be construed as “she”, “her”, or any other feminine usage as may be appropriate.
General Government	That portion of the Town government not administered by the Board of Education.
General Statutes	The Connecticut General Statutes as now in effect or as they may from time to time be amended.
Public Emergency	A sudden or unforeseen occurrence, event, or condition affecting public buildings, public property, or Salem residents’ life, health, safety, or property, including a man-made or natural disaster or other event, which requires immediate action to preserve property or protect public health or safety.
Town	The Town of Salem, Connecticut.
Town Budget	The Town Budget is comprised of three parts, the General Government Budget, the Education Budget, and the Capital Budget. As used in this Charter, unless otherwise qualified, the term “Budget” shall be understood to mean the approved Town Budget for the current fiscal year, as amended by duly approved transfers or supplemental appropriations.
Town Employee	All individuals in all Town departments who receive or are entitled to receive compensation from the Town, except employees under the supervision of the Board of Education.
Town Meeting	A town meeting is the legislative body for the Town of Salem.
Voter	The term “voter” when used in this Charter shall mean that group of people that includes both: <ul style="list-style-type: none"> • Electors of the Town; and • Any U.S. citizen of the age of 18 years or more, who, jointly or severally, is liable to the Town for taxes assessed against said person on an assessment of not less than \$1,000 on the last completed grand list.

CHAPTER II - OFFICIALS AND BOARDS

SECTION 2.01 ELECTED OFFICIALS

The Town shall have the following elected officials serving the following terms:

First Selectman	2 years
Selectmen	4 years
Tax Collector	2 years
Town Clerk	2 years
Town Treasurer	2 years
Judge of Probate	4 years
Registrar of Voters, one for each major political party as defined by the General Statutes	4 years

SECTION 2.02 ELECTED BOARDS

The Town shall have the following elected boards, whose members shall be elected as provided in this Charter. The number of members and term of office for each board are listed below.

Board of Selectmen (First Selectmen + Four Selectmen)	See Above
Board of Finance, 6 members	6 years
Alternate Members of the Board of Finance, 3 members	6 years
Board of Education, 9 members	6 years
Board of Assessment Appeals, 3 members	4 years
Planning and Zoning Commission, 7 members	6 years
Alternate Members of Planning and Zoning Commission, 3 members	6 years
Zoning Board of Appeals, 5 members	6 years
Alternate Members of the Zoning Board of Appeals, 3 members	6 years
Library Board of Directors, 6 members	6 years

Board members' terms shall be staggered. For example, three members of a nine-member board with 6-year terms shall be elected in one Town election, another three members in the next, and the remaining three members in the subsequent Town election.

SECTION 2.03 APPOINTED BOARDS

A. The Town shall have the following boards whose members are appointed by the Board of Selectmen in the numbers and for the terms listed below:

Emergency Preparedness Agency, 4 members	4 years
Economic Development Commission, 5 members and 2 alternates	5 years
Gardner Lake Authority, 3 members	2 years
Inland Wetlands and Conservation Commission, 7 members and 3 alternates	6 years
Recreation Commission, 9 members	5 years

B. The Town shall have such other appointed boards as the Board of Selectmen or Town Meeting deems necessary or are required by the General Statutes.

C. The Town shall have other appointed ad hoc committees, task forces, or study groups appointed by Town Meeting or a duly authorized Town official or board as needed to perform a specific function for the Town, such as a building committee or a study group.

SECTION 2.04 ADMINISTRATIVE OFFICIALS AND MEMBERS OF CLASSIFIED SERVICE

The Town shall have administrative officials and employees, who shall be members of the classified service, to the extent provided in the Town Budget. See Chapter VIII – GENERAL GOVERNMENT ADMINISTRATIVE OFFICIALS, EMPLOYEES AND DEPARTMENTS for additional information.

CHAPTER III - ELECTIONS AND ELECTED OFFICIALS

SECTION 3.01 ELECTIONS

- A. Election of federal and state officials and the nomination and election of such elected Town officials and boards as are provided for in this Charter shall be conducted in the manner as prescribed in the General Statutes.
- B. Unless otherwise established by ordinance or state law, there shall be one voting district in the Town.
- C. The regular Town election shall be held biennially on the first Tuesday after the first Monday in November in odd numbered years.
- D. The Registrars of Voters shall prepare lists of electors eligible to vote in elections.
- E. At each regular Town election, members or alternate members of elected boards shall be elected to replace those whose terms are expiring or to fill vacancies for an unexpired term. See Section 3.09.

SECTION 3.02 ELIGIBILITY FOR ELECTED OFFICIALS AND BOARD MEMBERS

- A. No person shall be eligible to hold any Town office who is not, at the time of election, an elector of the Town as defined in Section 1.05. Any person ceasing to be an elector of the Town shall thereupon cease to hold elective office in the Town.
- B. No member of the Board of Selectmen shall hold any other elected Town office.
- C. No member of the Board of Finance shall hold any other elected Town office.
- D. No member of the Board of Assessment Appeals shall serve in the office of the Town Assessor.
- E. No member of the Planning and Zoning Commission shall serve on the Zoning Board of Appeals.

SECTION 3.03 STATE ELECTIONS

At the state election to be held in 2006 and every four years thereafter, as provided by the General Statutes there shall be elected one Registrar of Voters for each major political party and a Judge of Probate to serve a term of four years.

SECTION 3.04 TOWN ELECTIONS

At each regular Town election, the following number of elected officials, except the Registrars of Voters, and members or alternate members of elected boards shall be elected for the terms specified in Chapter II – OFFICIALS AND BOARDS of this Charter. Registrars are elected in State elections, see Section 3.03 of this Charter. Each election includes:

The First Selectman
 The Town Clerk
 The Tax Collector
 The Town Treasurer
 Board of Selectmen, two members to replace those whose terms are expiring
 Board of Finance, two members and one alternate member to replace those whose terms are expiring
 Board of Education, three members to replace those whose terms are expiring
 Board of Assessment Appeals, one or two members to replace those whose terms are expiring
 Planning and Zoning Commission, two or three members and one alternate member to replace those whose terms are expiring
 Zoning Board of Appeals, one or two members and one alternate member to replace those whose terms are expiring
 Library Board of Directors, two members to replace those whose terms are expiring

SECTION 3.05 BREAKING A TIE

Whenever a Town election or primary election conducted pursuant to this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of the General Statutes to determine who shall be elected, except that, with the consent of the tied candidates, the tie may be broken by the single toss of a coin or by any other method agreeable to the tied candidates.

SECTION 3.06 LIMITS ON MAJORITY PARTY REPRESENTATION

- A. For purposes of limiting majority party representation on elected or appointed boards, each member and alternate member, shall be deemed throughout his term of office to have the party registration or unaffiliated status that existed for that individual at the time of nomination or appointment; except, if such individual is nominated only by a party with which he is not affiliated, he is deemed affiliated with the party that nominated him for purposes of this section.
- B. Majority party representation on any elected or appointed board of the Town shall be limited as follows:

Number of Members on a Board	Maximum from one Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6

When membership is more than nine, no political party shall hold more than a two-thirds majority of the membership of any elected or appointed board.

- C. If the number of elected board members affiliated with the majority party plus the number of board members affiliated with the majority party whose term did not expire exceeds the maximum allowed, only the candidates with the highest number of votes up to the limit of such maximum shall be elected. The next highest-ranking candidate(s) who does not belong to the majority party shall be elected up to the number of places to be filled at such election. The limitations in this section shall not disqualify any candidate for the office of First Selectman, but shall only apply to the Board of Selectmen as a whole.

SECTION 3.07 TERMS OF OFFICE

- A. The terms of office of all elected Town officials and members of elected boards, except the Town Clerk, shall commence the second Tuesday following the election.
- B. The Town Clerk's term of office shall commence on the first Tuesday of the next calendar year following the election pursuant to the General Statutes.
- C. The term of office of all elected Town officials expires when the term for the newly elected officials commence.

SECTION 3.08 ELECTED OFFICIALS AND BOARDS – GENERAL INFORMATION

- A. Elected board members do not generally receive compensation except for expenses. Members of a board may receive such compensation as may be recommended by the Board of Selectmen, approved by the Board of Finance and included in the Annual Town Budget.
- B. Full-time elected officials, as defined in the Personnel Manual for Elected Officials, shall receive compensation as provided by the General Government Budget and administered by the Board of Selectmen. Benefits for full time elected officials shall be commensurate with those benefits afforded to those Town employees not covered by a collective bargaining agreement.
- C. Except as otherwise provided in this Charter, all elected Town boards shall have such powers and duties as are prescribed in the General Statutes. The following is a brief description of the duties of each board.
 - 1. The Board of Selectmen is the primary executive body of the Town, except as otherwise provided in this Charter. Chapter V - BOARD OF SELECTMEN of this Charter provides additional details on the Board of Selectmen.
 - 2. The Board of Finance shall oversee the finances of the Town and prepare a budget for approval by the Town. Chapter X - FINANCE AND TAXATION of this Charter provides additional details on the finances and taxation of the Town and the role of the Board of Finance.
 - 3. The Board of Education shall manage the education system of the Town, including buildings and property and resources used to provide education as provided under the General Statutes. Chapter IX - BOARD OF EDUCATION of this Charter provides additional details on the Board of Education.

4. The Board of Assessment Appeals shall, in accordance with the General Statutes, hear appeals from taxpayers who believe that the Town has erred in the valuation of their properties, real or personal.
5. The Planning and Zoning Commission shall have the responsibilities of both a planning commission and a zoning commission. For planning, the commission shall prepare, adopt, and maintain a master plan of development for the Town based on the physical, social, economic, and governmental conditions and trends to promote coordinated development and the general welfare and prosperity of the Town. For zoning, the commission shall adopt and administer a comprehensive zoning plan designed to direct and control the use and development of property.
6. The Zoning Board of Appeals shall resolve conflicts which may arise between the common law rights of a property owner to use his land as he wishes and the efforts of the Planning and Zoning Commission to manage land use in order to promote the health, safety, and general welfare of the Town. The Zoning Board of Appeals can grant variances to zoning regulations.
7. The Library Board of Directors shall supervise and maintain the library and its operation. All special funds, gifts, grants, and memorials donated or granted to the library shall be held by the Town in a separate fund for the exclusive use of the Library. Expenditures from this fund shall be controlled by the Library Board of Directors.

SECTION 3.09 VACANCIES IN ELECTED OFFICIALS AND BOARD MEMBERS

- A. Any vacancy in an elected board of the Town except the Board of Education may be filled by a majority vote of the members of that board in attendance at a meeting called for that purpose within 30 calendar days of such vacancy. If such board fails to fill such vacancy within 30 calendar days, the Board of Selectmen shall fill such vacancy. Vacancies shall be filled for the unexpired portion of the term or until the next regular Town election, whichever event shall occur first. If the unexpired term extends past a regular Town election, the remainder of the term shall be filled by election at that regular Town election. The Board of Education shall be empowered to fill its vacancies in accordance with the provisions and limitations of the General Statutes.
- B. Any vacancy in any other elected office of the Town, except the First Selectman, shall be filled by the Board of Selectmen. The appointment must be approved by a majority of the entire Board of Selectmen. Vacancies shall be filled for the unexpired portion of the term or until the next regular Town election, whichever event shall occur first. If the unexpired term extends past a regular Town election, the remainder of the term shall be filled by election at that regular Town election. A vacancy in the Office of First Selectman is covered in Section 6.05 of this Charter.

CHAPTER IV - THE TOWN MEETING

SECTION 4.01 GENERAL

The Town Meeting is the primary legislative body of the Town. The Town Meeting shall have authority for final approval of those actions of the Town hereinafter enumerated. Electors shall be eligible to vote on all matters in Town Meetings and referenda called pursuant to this Charter. Voters who are not electors shall be eligible to vote only on financial matters in Town Meetings and referenda called pursuant to this Charter.

SECTION 4.02 ANNUAL TOWN MEETING

The Annual Town Meeting shall be convened in accordance with the provisions of Section 10.07 of this Charter. The Board of Selectmen may require at such meeting the presence of department heads and/or representatives of each board of the Town. In addition to the consideration of the Town Budget, the Annual Town Meeting may consider any of the items contained in Section 4.03 of this Charter.

SECTION 4.03 TOWN MEETINGS

- A. Town Meetings shall be called by the Board of Selectmen for consideration of the following:
1. The issuance of bonds and all other forms of financing, the terms of which are in excess of one year.
 2. Supplemental appropriations as provided for in Section 10.09 of this Charter.
 3. Any appropriation greater than \$3,000 from the Capital Reserve Fund.
 4. Any purchase by the Town of an interest in real estate purchase at a cost in excess of \$5,000.
 5. The sale or disposition of any interest in any Town-owned real property, or the sale or disposition of any Town-owned personal property whose value exceeds \$15,000.
 6. Real estate leases to which the Town is party and which involve a term in excess of one year.
 7. The creation, termination or modification of any permanent agency or department of the Town not provided for in this Charter.
 8. Proposals for municipal improvements, including committees to plan and oversee such improvements.
 9. The acceptance of any interest in real property.
 10. Such other matters or proposals as may be required by the provisions of this Charter, the General Statutes, ordinance, or as the Board of Selectmen, in its discretion, shall decide are of sufficient importance to be submitted to a Town Meeting, including the adoption, modification or repeal of any ordinance.

11. Approval of the Town's Plan of Conservation and Development.

- B. Action taken by a Town Meeting, including Town Meeting items adopted at referendum, shall not become effective until the seventh calendar day following such action, unless otherwise provided by the Town Meeting action or by this Charter.

SECTION 4.04 ELECTORS' POWER TO REQUIRE TOWN MEETINGS

- A. The electors of the Town shall have the power to call a Town Meeting to propose ordinances, repeal or modify existing ordinances, propose Town Meeting actions on matters enumerated in Section 4.03 of this Charter, or consider such other matters or proposals that the petitioners deem to be of sufficient importance to be submitted to a Town Meeting.
- B. Electors may call a Town Meeting in the following manner:
1. A petition may be filed by any elector of the Town with the Town Clerk, and except as otherwise provided herein, such petition shall conform to the requirements of Section 7-9 and 7-9a of the General Statutes.
 2. Said petition, or counterparts thereof, shall contain the full text of the proposal and/or ordinance. Said petition shall be on a form prescribed or approved by the Town Clerk and shall be signed in ink by no fewer than fifty (50) electors of the Town.
 3. Said petition, or counterparts thereof, shall be accompanied with affidavits signed and sworn to by each circulator as prescribed in Section 7-9 of the General Statutes.
 4. The Town Clerk shall, within five calendar days after receipt of said petition, determine whether the petition and counterparts thereof received are sufficient as required by law and, if so, shall certify said petition to the Board of Selectmen.
 5. Within thirty calendar days of the certification of said petition, the Board of Selectmen shall call a Town Meeting to take action on said petition.
 6. At said Town Meeting, the matter included in the petition shall be approved if a majority of those eligible to vote thereon shall have voted in the affirmative.

SECTION 4.05 PROCEDURE

- A. All Town Meetings shall be called in accordance with Section 7-3 of the General Statutes, by resolution of the Board of Selectmen. The Board of Selectmen shall fix the time and place of said meeting. The First Selectman shall give public notice of any such meeting at least ten calendar days but not more than 17 calendar 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, if present, or by a member of the Board of Selectmen. A Moderator shall be elected and all business conducted pursuant to Robert's Rules of Order, as revised.
- C. The Town Clerk shall serve as Clerk of all Town Meetings but, in the Town Clerk's absence, a Clerk shall be designated by the Moderator. 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 to a specific date and time.

SECTION 4.06 VOTING

Prior to taking the vote on individual motions put before any Town Meeting, the Moderator may entertain a motion that the qualifications of those present and voting be demonstrated before the vote is cast.

SECTION 4.07 TOWN MEETING ACTION BY REFERENDUM

- A. Except for the adoption of the Town Budget and such other matters required by this Charter to be decided at referendum, all Town Meeting actions which are not of a procedural nature (election of Moderator, setting time and place for referendum, recess, adjournment, etc.) shall be submitted to referendum if either of the events set forth in (1) or (2) below occur.
 - 1. The Board of Selectmen may, no fewer than five days prior to the day of a Town Meeting, order that any item or items on the call of such meeting be submitted to referendum in the manner set forth in this section.
 - 2. A written petition may be filed by any elector with the Town Clerk not later than five days prior to the date of any Town Meeting requesting that any item or items on the call of such Town Meeting be referred to the Town voters at a referendum.
 - a. Any such petition shall conform to the requirements of Section 7-9 and 7-9a of the General Statutes. Said petition shall be on a form prescribed or approved by the Town Clerk and signed in ink by no fewer than fifty (50) electors of the Town.
 - b. Said petition, or counterparts thereof, shall be accompanied with affidavits signed and sworn to by each circulator as provided in Section 7-9 of the General Statutes.
 - c. Not later than the date and time scheduled for the call of the Town Meeting to order, the Town Clerk shall determine whether said petition and affidavits are sufficient as prescribed by law and this Charter and, if so, shall certify said petition to the Board of Selectmen.
- B. The First Selectman, or his designee, shall notify the Moderator of the Town Meeting of the item or items on the call of the Town Meeting that shall be adjourned to referendum.
- C. Any item on the call of the Town Meeting which is to be submitted to referendum, except any item that pertains to any specific amount of proposed expenditure, appropriation, borrowing or bonding, may be amended at the Town Meeting and shall be submitted to referendum as so amended.

- D. The Town Meeting or, if the Town Meeting fails to do so, the Board of Selectmen shall fix the time and place of referendum, which shall be held no fewer than seven nor more than 14 calendar days after the date of the Town Meeting. Hours of voting shall be from six o'clock a.m., at the latest, until eight o'clock p.m., at the earliest. The Town Meeting will have the power to extend hours for voting.
- E. The Board of Selectmen shall determine whether voting shall be by paper ballot or voting machine. Appropriate ballots or voting machine labels shall be prepared by the Town Clerk. The Registrars of Voters or, if they fail to do so by five calendar days prior to the referendum, the Town Clerk shall designate a Moderator for the referendum, who may be the Town Clerk. The Moderator of the Town Meeting or, if he fails to do so within twenty four hours of the adjournment of the Town Meeting, the Town Clerk shall phrase each item submitted to the referendum in the form of a question to be answered "YES" or "NO".
- F. Notice of the referendum shall be given in the manner provided by law and in such other manner, if any, as the Board of Selectmen may approve.

CHAPTER V - BOARD OF SELECTMEN

SECTION 5.01 COMPOSITION.

There shall be a five member Board of Selectmen consisting of a First Selectman (serving a two-year term) and four other Selectmen (serving staggered four-year terms). The Board shall be elected pursuant to Section 3.04 of this Charter.

SECTION 5.02 MEETINGS.

- A. The Board of Selectmen shall hold regularly scheduled monthly meetings.
- B. Special meetings may be called at any time, after proper notice, by the First Selectman or by any two Selectmen.
- C. At any meeting, three Selectmen shall constitute a quorum for the transaction of business.
- D. No action shall be approved nor any resolution adopted by fewer than three affirmative votes, except a vote to adjourn or to set the date of the next meeting.
- E. At each regular and special meeting of the Board of Selectmen, it shall set aside a certain amount of time for public participation.
- F. The Board of Selectmen shall keep minutes of its meetings including all votes and other actions taken.

SECTION 5.03 GENERAL POWERS OF THE BOARD OF SELECTMEN.

- A. The Board of Selectmen shall have all of the powers, duties and responsibilities conferred upon it by this Charter, by the General Statutes or Special Act enacted after this Charter is adopted and all powers necessary, incidental, or proper to their exercise.
- B. The Board of Selectmen shall have all powers conferred upon it by Resolution or Ordinance of the Town not inconsistent with this Charter.

SECTION 5.04 GENERAL DUTIES AND RESPONSIBILITIES.

The Board of Selectmen shall ensure that the ordinances of the Town and the acts, policies and resolutions of the Board of Selectmen and Town Meeting are carried out and implemented, except where such act, policy, resolution or ordinance specifies otherwise.

SECTION 5.05 SPECIFIC POWERS.

- A. The Board of Selectmen shall have the power to:
 - 1. Make appointments as provided in this Charter.
 - 2. Accept or reject gifts, excluding land, on behalf of the Town.

3. Have the authority to sell or otherwise dispose of any Town-owned personal property, the value of which does not exceed \$15,000. The Board of Selectmen shall submit the disposition of all real property and of all personal property whose value exceeds \$15,000 to a Town Meeting.
4. Fill vacancies for unexpired terms as provided in Section 3.09 and Section 7.04 of this Charter.
5. Create advisory or study commissions for a period not to exceed twelve months, to advise and make recommendations to the Board. The term of any such commission shall not be extended without Town Meeting approval.
6. Authorize the First Selectman to enter into contracts or other obligations on behalf of the Town.
7. Authorize the First Selectman to file applications for federal and state grants.
8. Approve and amend the classification plan and personnel regulations applicable thereto of the Town.
9. Adopt and implement General Government purchasing policies.

SECTION 5.06 ACTING FIRST SELECTMAN

- A. Promptly after the commencement of the term of the First Selectman, the Board of Selectmen shall select one of its members to function as Acting First Selectman.
- B. The Acting First Selectman shall assume the duties of the First Selectman during a temporary absence or incapacity. Prior to a temporary absence or incapacity of the First Selectman, the First Selectman shall, if possible, notify the Board of Selectmen of the temporary absence or incapacity. Should the First Selectman be unable to provide such notification prior to the temporary absence or incapacity, the Board of Selectmen shall pass a resolution declaring the temporary absence or incapacity of the First Selectman. Subsequent to such notification or immediately following the passage of such resolution, the Acting First Selectman shall assume the duties of the First Selectman for such period as instructed in writing by the First Selectman or in the resolution declaring the absence or incapacity.
- C. The Acting First Selectman, upon assumption of the office of First Selectman, shall have all of the powers, responsibilities, privileges, and duties of the First Selectman, except the power of appointment.
- D. In no circumstance will the Acting First Selectman serve in the capacity of First Selectman for a period in excess of six months.
(*see* Section 6.05 for additional information on the Acting First Selectman)

SECTION 5.07 VACANCIES ON THE BOARD OF SELECTMEN

Any vacancy on the Board of Selectman shall be filled by vote of the other Selectmen. The appointment is for the unexpired portion of the term or until the next regular Town election, whichever event shall occur first.

CHAPTER VI - FIRST SELECTMAN

SECTION 6.01 GENERAL

At each biennial Town election, a First Selectman shall be chosen by the electors of the Town as provided in Chapter III – ELECTIONS AND ELECTED OFFICIALS of this Charter. The First Selectman shall devote such time as is necessary to carry out the duties of the office. The First Selectman shall be the Chief Executive Officer of the Town and shall receive such compensation as shall be included in the Town Budget.

SECTION 6.02 POWERS, DUTIES AND RESPONSIBILITIES OF THE FIRST SELECTMAN

- A. The First Selectman shall have all of the powers, duties and responsibilities conferred upon that office by law and which are not inconsistent with this Charter. The First Selectman shall have such powers as are necessary or incidental to the discharge of the duties and responsibilities as set forth in this Charter. The Board of Selectmen shall not diminish by proposed ordinance or by any vote, resolution or otherwise the powers and duties imposed and granted to the First Selectman by this Charter.
- B. The First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at all meetings of said Board.
- C. The First Selectman shall supervise the administration of the affairs of the Town, except those matters which by Charter or by ordinance are exclusively delegated to other boards.
- D. The First Selectman shall be responsible for:
 1. Coordinating the administration of the departments and boards of the Town, except for the Board of Education.
 2. Coordinating and guiding the Board of Selectmen in the discharge of the Board's powers, duties, and responsibilities.
 3. Making a continuous review of the current and future needs of the Town, including financial needs and budget requirements. When required, reports and information shall be provided by any entity that is supported wholly or in part by Town funds.
 4. Recommending to the Board of Selectmen such measures as may be necessary or expedient for the welfare of the Town.
 5. Making periodic reports to the Board of Selectmen on the General Government Budget.
 6. Serving as Chief of Police and Social Services Officer until such time as action of the Town Meeting creates such positions and they are filled.
 7. Entering into and executing contracts on behalf of the Town, subject to appropriation (or, in Public Emergency as defined in this Charter) and approval by the Board of Selectmen, for any services required by any office or board of the Town, except for the Board of Education unless requested to do so by the Board of Education.
 8. Seeking, and executing agreements for such federal or state grants for which the Town may qualify and for which the Board of Selectmen has approved application.

The approval of the Board of Finance shall be obtained if unappropriated funds are needed to participate in such grants.

9. Implementing General Government financial procedures for bidding, purchasing, accounting, record keeping and other financial matters, including those which the Board of Finance may prescribe.
 10. Executing and carrying out the ordinances, resolutions, regulations, policies, and other actions of the Board of Selectmen and Town Meeting.
 11. Recommending to the Board of Selectmen suggested projects and activities that the Town should consider implementing during the coming fiscal year which shall be used as a guide in the development of the Annual Town Budget.
 12. Determining when reports shall be filed with the Board of Selectmen. It shall be the responsibility of the First Selectman to provide staff assistance to such boards, which require same.
 13. Keeping, or causing to be kept, complete books of Town accounts, except those of the Board of Education.
 14. Exercising oversight on all Town-owned buildings other than school facilities.
 15. The First Selectman shall carry out such other duties as may be assigned by the Board of Selectmen.
- E. The First Selectman may declare a Public Emergency and take such action deemed advisable whenever a Public Emergency threatens the lives, health, safety, or property of citizens of the Town. Having declared a Public Emergency, the First Selectman will consult with Emergency Personnel on the appropriate course of action. Any such declaration shall automatically stand repealed at the end of five days, unless earlier terminated or extended by the Board of Selectmen. Expenditures to meet such costs as incurred in addressing the Public Emergency shall be made in accordance with Section 10.11 of this Charter.
- F. The First Selectman may, subject to the approval of the Board of Selectmen, perform the duties of any office except that of elected officials and except as otherwise provided in this Charter.

SECTION 6.03 APPOINTMENTS AND REMOVALS

- A. The First Selectman or his designee may hire and remove Town employees in accordance with the provisions of Chapter VIII – GENERAL GOVERNMENT ADMINISTRATIVE OFFICIALS, EMPLOYEES AND DEPARTMENTS of this Charter. The First Selectman may appoint and remove members of regional and inter-local agencies and programs as authorized by ordinances adopted pursuant to applicable General Statutes and this Charter.
- B. During the temporary absence of any Town employee, the First Selectman may perform or may appoint a designee to perform temporarily the duties of the affected Town employee. The First Selectman shall not appoint a member of his immediate family to a position wherein he has the power of appointment.

SECTION 6.04 EX-OFFICIO POWERS

The First Selectman shall be a nonvoting, ex-officio member of all boards of the Town and shall be provided all notices and minutes as are given to other members of such bodies. The First Selectman may participate in all discussions, including executive sessions, but shall not have the right to vote. The First Selectman may appoint, in writing, another Selectman to be an ex-officio member in place of the First Selectman for such period of time as the First Selectman may designate.

SECTION 6.05 SUCCESSION PROVISIONS

- A. In the event that the First Selectman is or will be incapacitated for a period in excess of two months, the Office of the First Selectman shall be deemed vacant pursuant to this Charter. The members of the Board of Selectmen shall have the power to determine that the First Selectman is incapacitated by a majority vote.
- B. In the event of a vacancy in the office of First Selectman, the Acting First Selectman shall immediately become First Selectman, with all powers and privileges incident thereto.
- C. The Board of Selectmen shall call a special election within six months of such vacancy unless there will be a regular election within said six month period. At this election, the electors shall elect a successor to fill the First Selectman's unexpired term.

SECTION 6.06 RESIGNATION AND FORFEITURE OF OFFICE

The office of the First Selectman shall become vacant upon his death, resignation or removal from office in any manner authorized by law, or forfeiture of his office. The First Selectman shall forfeit his office if he:

1. Ceases to be an elector, or
2. Is convicted of a felony

Any vacancy of the First Selectman's office shall be filled per Section 6.05 of this Charter.

CHAPTER VII - APPOINTED OFFICIALS AND BOARDS

SECTION 7.01 ELIGIBILITY FOR APPOINTED OFFICIALS AND BOARD MEMBERS

Except as otherwise provided by ordinance, no person shall be eligible for appointment as an official or member of an appointed board who is not, at the time of appointment, an elector of the Town. Any person who ceases to be an elector of the Town shall cease to hold appointive office and the position shall be declared vacant.

SECTION 7.02 APPOINTMENTS

The Board of Selectmen shall appoint the members of all appointed boards and the appointed officials authorized in this Charter by March 1 of the next calendar year after the Board takes office for expiring terms.

SECTION 7.03 APPOINTED BOARDS

All appointed Town boards shall have such powers and duties as are prescribed in the General Statutes and Town ordinances, except as otherwise provided in this Charter. The duties of each board include, but are not limited to the following brief descriptions:

- A. The Recreation Commission shall have the following powers and purposes:
 - 1. To plan, establish, maintain, supervise, and conduct Town recreation and athletic programs and the use of Town property and facilities therefore.
 - 2. To plan for the development, improvement, maintenance, and expansion of the recreation lands of the Town.
 - 3. To acquire, erect, install, maintain, improve, repair, and replace recreation and athletic facilities and equipment.
 - 4. To expend such funds for the foregoing purposes as may be appropriated by the Town.
- B. The Inland Wetlands and Conservation Commission shall promulgate and enforce such regulations and amendments in conformity with the regulations of the State Commissioner of Environmental Protection and the Inland Wetlands and Watercourses Act, as amended, as are necessary to protect wetlands and watercourses in the Town and shall have all powers of conservation commissions under the provisions of the General Statutes.
- C. The Gardner Lake Authority is established with Bozrah and Montville to govern the body of water known as Gardner Lake. The Gardner Lake Authority shall act as agent for the Town, cooperating with the State Boating Commission in the enforcement of the boating laws on Gardner Lake and in addition, the said Gardner Lake Authority shall have the power to:
 - 1. Control and abate algae and aquatic weeds in cooperation with the State Water Resource Commission under the General Statutes

2. Study water management including, but not limited to, water depth and circulation and make recommendations for actions to its member towns
 3. Act as agent for member towns with respect to filing applications for grants and reimbursements with State Bonding Commission, State Water Resources Commission, and other State agencies.
- D. The Emergency Preparedness Agency shall be responsible for the development and maintenance of plans and programs that may be needed in response to an emergency caused by an enemy attack or any natural or manmade disaster, subject to the approval, direction and control of the State Emergency Preparedness Director. In an emergency situation, the First Selectman is in full charge of all Town personnel and equipment and the Director of Emergency Preparedness or one of his designees shall act as his advisor and Chief of Staff in directing the Town's emergency response activities.
- E. The Economic Development Commission shall conduct research into the economic conditions and trends in the Town, make recommendations to appropriate officials and agencies of the Town regarding action to improve the Town's economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies and organizations to promote such economic development and may advertise and may prepare, print and distribute books, charts and pamphlets which will further its official purposes. The Commission shall periodically update the Town Economic Development Plan.

SECTION 7.04 CONDITIONS OF SERVICE

- A. The following are terms and considerations for service as an appointed official or as members or alternates on an appointed board:
1. All members shall serve until their successors have been appointed and have qualified or until the board is disbanded.
 2. All members of such boards shall serve without compensation except for the reimbursement of necessary expenses from an appropriation provided for the same.
 3. Vacancies shall be filled by the Board of Selectmen.
 4. Limits on majority party representation on appointed boards shall be in accordance with Section 3.06 of this Charter.
 5. Any appointed official or member, other than an alternate member, of an appointed board may be removed for cause by the Board of Selectmen. No removal shall be made until the member has received a written statement as to reasons for removal. Within fifteen days of such notification, the member shall have an opportunity for a public hearing before the Board of Selectmen as to why the removal should take place. Any person proposed to be removed may be represented by counsel.
- B. Action of the Board of Selectmen in the removal of a member from an appointed board shall be final. Any vacancy shall be filled pursuant to this Charter.

SECTION 7.05 TOWN ATTORNEY

- A. The Board of Selectmen shall appoint, and may remove, a Town Attorney who shall be an attorney admitted to practice law in the State of Connecticut. Except as otherwise directed by the First Selectman, the Town Attorney may appear for and protect the rights of the Town in any action, suit or procedure brought by or against it or any of its departments or boards.
- B. The Town Attorney shall be the legal advisor to the Board of Selectmen, First Selectman and such other boards and officials as the Board of Selectmen shall determine.
- C. Upon the written request of the First Selectman, the Town Attorney shall:
 - 1. Furnish a written opinion on any question of law involving the respective powers, duties and responsibilities of any Town office or board.
 - 2. Prepare or review forms of contracts or other instruments to which the Town is a party or in which it may have an interest.
- D. With the approval of the Board of Selectmen, the Town Attorney shall have the power to appeal from orders, decisions, and judgments, and to settle any claims by or against the Town.
- E. The Board of Selectmen may provide for the appointment of counsel other than the Town Attorney upon such terms and such periods of time as the needs of the Town require.
- F. Where authorized by their budget, individual boards may hire appropriate legal counsel.

CHAPTER VIII – GENERAL GOVERNMENT ADMINISTRATIVE OFFICIALS, EMPLOYEES AND DEPARTMENTS

SECTION 8.01 GENERAL GOVERNMENT ADMINISTRATIVE OFFICIALS

A. The Town shall have the following General Government administrative officials, who shall be hired and supervised in accordance with Table 8-1.

Table 8-1 General Government Administrative Officials and Employees – Hiring and Supervision Authority

General Government Official Position/Title	Hiring Authority	Hiring Approval Authority	Technical Supervision Authority
Animal Control Officer	Board of Selectmen		First Selectman
Assessor	First Selectman		First Selectman
Building Inspector	First Selectman		First Selectman
Director of Health	Board of Selectmen		First Selectman and State Commissioner of Public Health
Director of Public Works	First Selectman		First Selectman
Emergency Preparedness Director	First Selectman		First Selectman
Fire Marshal	First Selectman		First Selectman
Librarian	First Selectman	Library Board of Directors	Library Board of Directors
Municipal Agent for the Elderly	Board of Selectmen		First Selectman
Sanitarian	First Selectman		Director of Health
Town Planner	First Selectman	Planning and Zoning Commission	Planning and Zoning Commission
Wetlands Enforcement Officer	First Selectman	Inlands Wetlands and Conservation Commission	Inlands Wetlands and Conservation Commission
Zoning Enforcement Officer	First Selectman	Planning and Zoning Commission	Planning and Zoning Commission
Such other administrative officials as may be provided for in the Town Budget or determined by ordinance to be appointed by the Board of Selectmen.	Board of Selectmen		First Selectmen

- B. All General Government administrative officials shall have such powers, duties and responsibilities as may be provided by the General Statutes, ordinance, or any applicable resolution adopted by the Board of Selectmen.
- C. For the purposes of hiring, the Board of Selectmen may combine the duties of more than one General Government administrative official.

SECTION 8.02 THE CLASSIFIED SERVICE

- A. The following General Government positions shall make up the Classified Service and shall be hired and supervised in accordance with Table 8-2.

Table 8-2 Classified Service – Hiring and Supervision Authority

General Government Classified Service Position/Title	Hiring Authority	Hiring Approval Authority	Technical Supervision Authority
Assistant Town Clerk	Town Clerk	First Selectman	Town Clerk
Assistant Tax Collector	Tax Collector	First Selectman	Tax Collector
Administrative Assistant for Finance	First Selectman		First Selectman
Administrative Assistant for Personnel	First Selectman		First Selectman
Administrative Assistant to the First Selectman	First Selectman		First Selectman
Administrative Assistant for Land Use	First Selectman	Planning and Zoning Commission	Planning and Zoning Commission
Assessor Aide	First Selectman	Assessor	Assessor
Assistant Assessor	First Selectman	Assessor	Assessor
Building Department Clerk	First Selectman	Building Inspector	Building Inspector
Library Assistants	First Selectman	Library Board of Directors	Librarian
Such other Town Employees, excluding those set forth in Table 8-1, that have been provided for in the Town Budget.	First Selectman	Appropriate Board or Official	Appropriate Board or Official

- B. For the purposes of hiring, the Board of Selectmen may combine the duties of more than one General Government Classified Service position.

SECTION 8.03 JOB DESCRIPTIONS

The First Selectman shall prepare, or cause to be prepared, a statement of the duties and responsibilities of each General Government Administrative Official and each position in the General Government Classified Service, including the minimum qualifications necessary for employment in any such position. Such statements may be amended from time to time upon approval by the Board of Selectmen.

SECTION 8.04 GENERAL GOVERNMENT PERSONNEL POLICY AND PRACTICES

The First Selectman shall prepare written personnel policies and practices to provide for systematic administration of the personnel affairs of the Town's General Government. Such policies and practices and amendments thereto shall become effective upon approval by the Board of Selectmen and filing with the Town Clerk.

SECTION 8.05 GENERAL GOVERNMENT EMPLOYEE BENEFITS

The Board of Selectmen may recommend provisions for General Government administrative official and employee benefits to the Board of Finance as part of the Town Budget process as detailed in Chapter X – FINANCE AND TAXATION.

SECTION 8.06 OFFICIAL BONDS

When required by the Board of Selectmen or the General Statutes, the Town shall execute a surety bond on behalf of any General Government administrative or elected official or employee, before entering their respective office or position and performance of any official duties pertaining thereto. The surety bond shall be conditioned on the honest and/or faithful performance of such duties. The Town may prescribe a named schedule bond or blanket bond prescribing which officials and employees shall be covered by such bond. Premiums for such bonds shall be paid for by the Town.

CHAPTER IX – BOARD OF EDUCATION

SECTION 9.01 BOARD OF EDUCATION RESPONSIBILITIES

- A. The Board of Education shall implement the educational interests of the State, administer the Town educational system, and shall exercise all of the powers and perform all of the duties conferred or imposed upon Boards of Education by the General Statutes, including the hiring and supervision of all employees engaged in the educational system of the Town.
- B. The Board of Education shall prepare a proposed Education Budget in accordance with Chapter X – FINANCE AND TAXATION and the General Statutes.

SECTION 9.02 BOARD OF EDUCATION MEMBERS - LIMITATIONS

No member of the Board of Education shall be an employee of the educational system of the Town.

CHAPTER X - FINANCE AND TAXATION

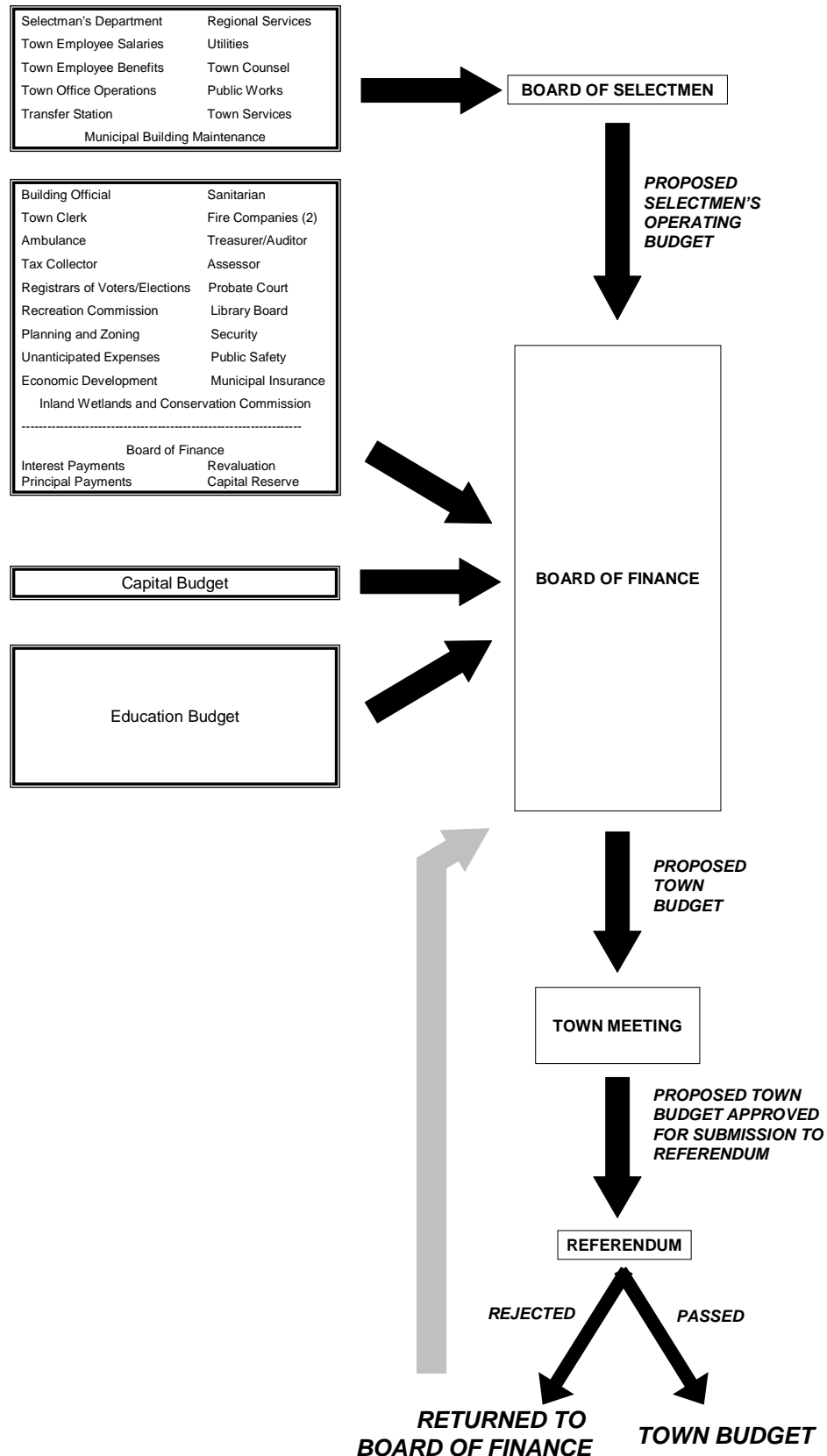
SECTION 10.01 FORM OF BUDGET

The Town Budget shall consist of three parts, the Education Budget, the General Government Budget, and the Capital Budget. The Education Budget shall provide for all operating expenses of the Town education system. The General Government Budget shall provide for all operating expenses of the Town that are not included in the Education Budget. The Capital Budget shall provide for the annual costs of capital expenditures in the Town.

SECTION 10.02 BUDGET PREPARATION

- A. The First Selectman shall prepare the Selectmen's Operating Budget. Boards included in the Selectmen's Operating Budget shall provide their input to the Board of Selectmen. The Selectmen's Operating Budget shall include Selectman's Department, Town Employee Salaries, Town Employee Benefits, Town Counsel, Town Office Operations, Municipal Building Maintenance, Utilities, Regional Services, Public Works, Town Services, the Transfer Station, and any other General Government operating expenses. The Selectman's Operating Budget shall be prepared by the First Selectman, and then reviewed and approved by the Board of Selectmen for presentation to the Board of Finance. The Board of Selectmen shall have the authority to amend these estimates during the budget development process until approved by the Board of Finance for submission to the Town Meeting.
- B. At such time as the Board of Finance shall direct, budgets for all other General Government functions of the Town supported wholly or in part by Town funds, and not included in the Selectmen's Operating Budget, or for which a specific Town appropriation is made, except for the Board of Education, shall be prepared by the appropriate officials and submitted to the Board of Finance with a detailed estimate of the expenditures to be made and the anticipated revenue other than tax revenue to be received during the ensuing fiscal year. These functions include the Building Official, Sanitarian, Town Clerk, the Town Treasurer/Auditor, Board of Finance, Assessor, the Tax Collector, Registrars of Voters/Elections, Probate Court, the Library Board, Security, the Fire Companies (Gardner Lake and Salem), Ambulance, Public Safety, Economic Development, Inland Wetlands and Conservation Commission, Planning and Zoning Commission, Recreation Commission, Municipal Insurance, Unanticipated Expenses, Interest Payments, Principal Payments, Capital Reserve Account, and Revaluation. These estimates shall be submitted concurrently to the Board of Selectmen for informational purposes only. The Board of Selectmen shall not have the authority to make changes to these estimates.
- C. The Board of Finance shall prepare a proposed Capital Budget.
- D. At such time as the Board of Finance shall direct, the Board of Education shall prepare and submit to the Board of Finance a proposed Education Budget as prescribed by the General Statutes.

Exhibit 9-1 Budget Development Process



SECTION 10.03 PRESENTATION BY THE BOARD OF SELECTMEN ON THE GENERAL GOVERNMENT BUDGET

- A. At such time and in such form as the Board of Finance shall direct, the First Selectman, on behalf of the Board of Selectmen, shall present to the Board of Finance a proposed Selectmen's Operating Budget. The proposed Selectmen's Operating Budget shall include:
1. Itemized appropriations for those boards, officials, offices, and departments as detailed in Section 10.02.
 2. Estimate of the available surplus (or deficit) for the Selectmen's Operating Budget at the end of the current fiscal year.
 3. Rationale for appropriation requests and comparison with current approved fiscal year appropriations.

SECTION 10.04 PRESENTATION BY OTHER BOARDS ON THE GENERAL GOVERNMENT BUDGET

- A. At such time and in such form as the Board of Finance shall direct, other boards shall present to the Board of Finance an itemized annual board operating budget, consisting of:
1. Itemized appropriations for the board.
 2. Estimate of the available surplus (or deficit) for their respective budgets at the end of the current fiscal year.
 3. Rationale for appropriation requests and comparison with current approved fiscal year appropriations.

SECTION 10.05 PRESENTATION BY THE BOARD OF EDUCATION ON THE EDUCATION BUDGET

- A. At such time and in such form as shall be agreed upon with the Board of Finance, the Board of Education shall present to the Board of Finance an annual Education Budget, consisting of:
1. Itemized spending plan for the Board of Education.
 2. Estimate of the available surplus (or deficit) of the Education Budget at the end of the current fiscal year.
 3. Rationale for the appropriation request and comparison with the current approved fiscal year appropriation.

SECTION 10.06 BOARD OF FINANCE ACTION ON THE PROPOSED TOWN BUDGET

- A. The Board of Finance shall compile a proposed General Government Budget showing the combined expenditure information from the Selectmen's Operating Budget, the other board operating budgets, actual revenues collected in the last completed fiscal year, the current year budget, estimated revenues to be collected during the current fiscal year, and estimated revenues to be collected in the year of the proposed budget.

- B. The Board of Finance shall compile the proposed General Government Budget, the proposed Capital Budget, and proposed Education Budget into a proposed Town Budget. The Board of Finance shall cause the proposed Town Budget to be made available for public review in the office of the Town Clerk. At least five days before the first public hearing on the proposed Town Budget, the Board of Finance shall cause to be published in a newspaper having a substantial circulation in the Town a notice of such hearing and a summary of the proposed Town Budget. If additional hearings are held, only notice of such hearings need be published.
- C. At any time during the budget development process, the Board of Finance may adjust any of the budgets submitted to it, including the Education Budget, subject to the following restrictions:
 - 1. The Board of Finance may adjust individual line items in the General Government and Capital Budgets.
 - 2. The Board of Finance may adjust only the total amount of the Education Budget.
- D. The Board of Finance shall hold a public hearing not later than April 15 regarding the proposed Town Budget.
- E. Following the public hearing, the Board of Finance shall propose a Town Budget for submission to the Annual Town Meeting and file it with the Town Clerk.

SECTION 10.07 ADOPTION OF BUDGET

- A. The Annual Town Meeting shall be held on the first Wednesday in May, at such place and time as the Board of Selectmen shall determine.
- B. The Annual Town Meeting may approve or reduce the total of the Education Budget (but not particular items therein) by a majority vote of those voters present and voting.
- C. The Annual Town Meeting may approve or reduce any line item in the proposed General Government Budget or proposed Capital Budget by a majority vote of those voters present and voting.
- D. The proposed Town Budget shall be submitted to referendum at a date, location and time set by the Board of Selectmen. The Annual Town Meeting shall be adjourned when the Town Budget has been approved for submission to referendum, and such other matters as may be on the legal notice of the Annual Town Meeting have been duly discharged.
- E. The Board of Finance may place questions on the ballot to ascertain voter intent relating to any part of the proposed Town Budget.
- F. If the referendum results in a tie vote, it shall be rejected. If the proposed Town Budget is rejected, it shall return to the Board of Finance, which may amend it. The Board of Finance shall then submit the proposed Town Budget to a Town Meeting and referendum in accordance with this section until a proposed Town Budget is passed. Each required Town Meeting shall be held no later than the twenty-first day following the referendum in which the proposed Town Budget was rejected.
- G. The Town Budget shall constitute the appropriations for the Town for the next fiscal year.

- H. If the Town Budget is adopted by the first Monday in June, the Board of Finance shall meet and set the mill rate at a level sufficient to meet the budget of the Town for the fiscal year.
- I. In the event that a Town Budget has not been adopted by the first Monday in June:
 - 1. The Board of Finance shall appropriate only sufficient funds for each board, department, and office to meet contractual obligations, salary schedules, or other requirements. Such appropriations will not exceed the respective total budget appropriations from the previous fiscal year for each board, department, and office.
 - 2. The Board of Selectmen shall establish a mill rate for the next fiscal year based on the Town's Grand List and the most recently proposed Town Budget approved by the Board of Finance.
 - 3. If the mill rate that is set exceeds that which is required by the budget that is ultimately adopted, the excess taxes that are generated may only be used to offset the taxes for the subsequent fiscal year.
- J. On adoption, the Town Budget is effective as of the first day of the fiscal year for which it was passed.

SECTION 10.08 CAPITAL BUDGET PLAN

- A. Each board of the Town supported wholly or in part by Town funds, or for which a specific capital appropriation is made, including the Board of Education, shall submit proposals to the Board of Finance for a multi-year Capital Budget Plan. The Board of Finance shall prescribe the format, manner and schedule for submission of such proposals.
- B. The Board of Finance shall assemble the Capital Budget Plan.
- C. The Capital Budget Plan shall be presented by the Board of Finance to the Annual Town Meeting for its consideration. The Annual Town Meeting may, with a majority vote of those eligible voters present and voting:
 - 1. Approve the Capital Budget Plan as presented or as amended by the Town Meeting or
 - 2. Reject the Capital Budget Plan. If the Capital Budget Plan is rejected by the Annual Town Meeting, the Board of Finance shall promptly reconsider the Plan, make such adjustments as it deems appropriate and resubmit a Capital Budget Plan to a Town Meeting until a Capital Budget Plan is approved.

SECTION 10.09 SUPPLEMENTAL APPROPRIATIONS

- A. The Board of Finance may, after receiving comment from the Board of Selectmen, make supplemental appropriations upon the request of any Town official or board or, regarding the Education Budget, on request of the Board of Education.
- B. The Board of Finance's authority to make supplemental appropriations shall be subject to the following limitations:

1. Except for transfers permitted by Section 10.13, supplemental appropriations for any board or department which do not cumulatively exceed one-fifth of one percent (0.2%) of the Town Budget may be approved by the Board of Finance.
2. Any supplemental appropriation for any board or department which cumulatively exceeds one-fifth of one percent (0.2%) of the Town Budget shall be submitted to a Town Meeting. A Town Meeting shall be held not later than thirty days following the endorsement by the Board of Finance of any such appropriation.
3. Any supplemental appropriation which, together with prior supplemental appropriations in the same fiscal year for any board or department, including capital items, which exceed one percent (1%) of the Town Budget shall be submitted to referendum at a date, location, and time set by the Board of Selectmen.

SECTION 10.10 BORROWING

- A. The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes or upon authorization of the Board of Finance.
- B. The First Selectman and the Town Treasurer shall execute all instruments required for borrowing.

SECTION 10.11 PUBLIC EMERGENCY EXPENDITURES

Emergency expenditures may be made for the purposes of meeting a public emergency threatening the lives, health, safety, or property of citizens. Such expenditures may be made upon the recommendation of the First Selectman and approved 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 10.12 EXPENDITURES

- A. No official or board of the Town, including the Board of Education, shall spend money for any purpose in excess of the total amount provided for that official or board in the Town Budget.
- B. No voucher, claim or charge against the Town under either the General Government or Capital Budget shall be paid unless reviewed by the First Selectman or the First Selectman's designee and approved for correctness and validity.
- C. No voucher, claim or charge against the Education Budget shall be paid except claims reviewed and approved for correctness and validity by an agent designated by the Board of Education.
- D. Board of Education checks, or the authorization thereof, shall be signed by the Town Treasurer and one member of the Board of Education. All other Town checks, or the

authorization thereof, shall be signed by the Town Treasurer and two members of the Board of Selectmen.

- E. The First Selectman shall prescribe the time and manner in which persons receiving money on behalf of the Town shall pay the same to the Town Treasurer.
- F. Appropriations for construction of permanent improvements and those for capital projects shall not lapse until the item has been purchased or the purpose for which the appropriation was made shall have been accomplished or abandoned. A project shall be deemed to have been abandoned if twenty-four months have elapsed since the date of the appropriation of funds for the project, without any expenditure made from or encumbrance placed on the appropriation thereof.
- G. Except as otherwise provided by the Board of Finance, any portion of an appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.
- H. To support long term plans, funds may be accrued over multiple years in the Capital Reserve Fund supporting saving for the Capital Budget Plan, the Land Acquisition Fund for potential land purchases on behalf of the Town, and such other funds as may be authorized by Town Meeting.
- I. If any appointed official or employee of the Town knowingly incurs any obligation or makes any expenditure in violation of this Charter or other provision of law, or takes any part therein, such action shall be cause for removal.

SECTION 10.13 TRANSFERS

- A. The Board of Education may make Education Budget line item transfers in accordance with the General Statutes.
- B. Boards other than the Board of Education may make line item transfers to the extent permitted by the Board of Finance.
- C. The line items of the General Government salaries appropriation may only be altered with approval of the Board of Finance.
- D. The Board of Finance may transfer from one department or board to another any appropriation, balance, or portion thereof which it reasonably determines will not be necessary.

SECTION 10.14 TAX BILLS

- A. The Tax Collector shall mail to each taxpayer, where applicable and in accordance with the provisions of the General Statutes, all real and other property tax bills. Failure to receive a bill shall not absolve the taxpayer from the liability to pay taxes or interest and penalties.
- B. All motor vehicle taxes are due and payable in their entirety on July 1. All real estate and other personal property taxes less than or equal to \$100 shall be payable in their entirety on July 1. All real estate and other personal property taxes in excess of \$100 shall be

payable in two equal installments, the first being due and payable July 1, and the second due and payable January 1. Property tax bills of less than \$5 shall be waived.

SECTION 10.15 FISCAL YEAR

The fiscal year of the Town shall begin on July 1 and end on June 30 of the following calendar year.

SECTION 10.16 ANNUAL AUDIT

The Board of Finance shall annually designate an independent Certified Public Accountant or firm of independent Certified Public Accountants to audit the books and accounts of the Town, in accordance with the provisions of the Connecticut General Statutes.

SECTION 10.17 ANNUAL TOWN REPORT

The Board of Finance shall prepare the Annual Town Report.

SECTION 10.18 CAPITAL AND NON-RECURRING EXPENSE FUND

There shall be a capital and non-recurring expense fund for capital and non-recurrent items. Any expenditure from this fund not approved in an Annual Town Budget must be submitted to a Town Meeting.

CHAPTER XI - TRANSITION AND MISCELLANEOUS PROVISIONS

SECTION 11.01 TRANSFER OF POWERS

- A. The powers which are conferred and the duties imposed upon any board or office under the General Statutes or any ordinance or regulation in force on the effective date of this Charter shall continue in full force and effect except as they may conflict with this Charter.
- B. If any board or office is abolished by this Charter or changed by the creation of a new board or office to which are granted similar powers and jurisdiction, such powers and jurisdiction shall thereafter be exercised by the board or office upon which are imposed such powers, functions, and duties.
- C. Any board or office abolished by this Charter, whether elective or appointive, shall continue in the performance of its duties until provision has been made for the discontinuance of such board or office and the performance of its duties by a successor as provided by this Charter. The Town Clerk shall notify the members of any abolished board or office that their successors have qualified and that such board or office is abolished.

SECTION 11.02 TRANSFER OF RECORDS AND PROPERTY

- A. All records, property and equipment whatsoever of any board or office or part thereof, all of the powers and duties of which are assigned to any other board or office by this Charter, shall be transferred and delivered intact forthwith to the board or office to which such powers and duties are assigned.
- B. If part of the powers and duties of any board or office are by this Charter assigned to another board or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact forthwith to the board or office to which such powers and duties are assigned.

SECTION 11.03 PRESENT EMPLOYEES TO RETAIN POSITIONS

- A. All employees of the Town on the effective date of this Charter whose positions are not abolished by this Charter shall retain their respective positions. Any person holding an administrative office or classified position as defined in this Charter on its effective date shall be retained but shall otherwise be subject to all provisions of this Charter.
- B. Any provision of law in force at the time this Charter is adopted in relation to personnel, appointment, ranks, grades of pay, tenure of office, promotions, removals, pension and retirement benefits, civil rights or other rights and benefits or privileges of employment of the Town or any office or agency thereof, shall continue in effect until or unless amended or repealed in accordance with provisions of this Charter.

SECTION 11.04 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 Town board or official shall be affected or abated by the adoption of this Charter, or by anything herein contained. All such actions or proceedings may be continued even though the functions, powers and duties of any such board or official have been assigned or transferred to another board or official by this Charter.

SECTION 11.05 CONFLICTS OF INTEREST

- A. Any elected or appointed official, member of any board or Town employee who has a direct or indirect financial interest (not applicable to Town residents or property owners generally) in any matter regarding which such person has or may have any official duties shall disclose that interest to the Board of Selectmen, who shall record such information in their official minutes.
- B. Any such person shall be disqualified from participation in the awarding, assignment or discussion of any contract, transaction or decision, unless expressly, in advance, exempted upon majority vote of the Board of Selectmen from disqualification; provided that, if such person is a member of the Board of Selectmen, such exemption shall only be upon majority vote of the entire Board of Finance.
- C. Any person found by the Board of Selectmen, after notice to the affected person and hearing with right to counsel, to have willfully violated the provisions of this Section shall be subject to public censure by the Board of Selectmen, and employees and appointed officials shall be subject to discipline, which may include removal from employment or appointed office, provided the Board of Selectmen adopts a resolution for such censure or other discipline. If the person alleged to have willfully violated the provisions of this Section is a member of the Board of Selectmen, the Board of Finance shall review such allegations and such person shall be subject to public censure upon majority vote of the entire Board of Finance.

SECTION 11.06 SAVING CLAUSE

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

SECTION 11.07 TRANSITION

- A. To establish the staggered terms for Selectmen (other than the First Selectmen) and the elected alternates to the Board of Finance, the following terms for offices will be voted in the November 8, 2005 regular Town election:
 - 1. Two Selectmen shall be elected for a term of two years. Two Selectmen shall be elected for a term of four years.

2. One Board of Finance Alternate shall be elected for a term of two years. One Board of Finance Alternate shall be elected for a term of four years. One Board of Finance Alternate shall be elected for a term of six years.

At each subsequent regular Town election, members or alternate members of elected boards shall be elected to replace those whose terms are expiring, as provided in this Charter.

- B. When the alternate members of the Board of Finance elected pursuant to this Charter in the November 8, 2005 regular Town election have taken office, the appointed office of alternate member of the Board of Finance shall be abolished.

SECTION 11.08 REVIEW AND AMENDMENT OF THE CHARTER

A review of this Charter shall be made by the Board of Selectmen from time to time, as it deems necessary. This Charter shall be amended in the manner prescribed in Chapter 99 of the General Statutes. A Charter Revision Commission may be created by a two-thirds vote of the Board of Selectmen or by a petition, properly filed with the Town Clerk, and signed by at least five percent of the electors of the Town.

SECTION 11.09 EFFECTIVE DATE

Except for the transition provisions detailed in Section 11.07, this Charter shall become effective January 1, 2005 upon the approval of a majority of the electors voting thereon at a regular election to be held on November 2, 2004.