

## **CHARTER REVIEW COMMITTEE OF THE TOWN OF BURLINGTON (2020)**



### **DRAFT REPORT PROVIDED BY THE CHARTER REVIEW COMMITTEE**

DRAFT Approved and Submitted by the Committee June 29, 2020

FINAL Approved and Submitted by the Committee July 29, 2020

Published as Required by Statute

For the Education and Benefit of Residents

Prior to the November 3, 2020 Referendum Vote

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Toni Vosburgh, Secretary

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Laura Gara, Member

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## **INTRODUCTION**

The Charter Review Committee (the “Committee”) of the Town of Burlington (the “Town”) respectfully submits this report to the Board of Selectman (the “Board”), as required by the General Statutes, on July 29, 2020. In this report, the Committee provides an overview of the Committee’s structure, objectives and review process, as well as the final recommendations for Charter revision.

## **THE BURLINGTON TOWN CHARTER AND A BRIEF OVERVIEW OF THE COMMITTEE’S WORK**

The Burlington Town Charter (the “Charter”), which is the basis of this review, was most recently adopted, as revised, by the Town effective December 6, 2012. Consistent with other Connecticut municipalities, the Charter outlines the foundation of the Town’s government with respect to elected and appointed Town officials as well as governing boards and commissions.

The Charter Review Committee was established at the Board of Selectmen meeting held on December 10, 2019, by a unanimous vote of the Board. The individual members of the Committee—2 Republicans and 3 Democrats and 3 Unaffiliated, all serving as volunteers—were appointed by the Board and sworn in by the Town Clerk. The members of the Committee are David Goshdigian, Chairman, Tony DiNicola, Vice Chairman, Toni Vosburgh, Secretary, Barry Faticoni and Laura Gara, Members, and Ginger Doherty, JP Parente and Jeff Vosburgh, Alternates. Following an organizational meeting on January 13, 2020, and a public hearing on January 27, 2020, the Committee began its substantive work at its next regular meeting on February 10, 2020.

On December 19, 2019, the Board charged the Committee with thoroughly reviewing<sup>1</sup> the following specific chapters, sections, and provisions of the Charter for possible revision:

Section 2-5: Vacancies in Elective Offices  
Section 3-3: Board of Selectmen  
Chapter 5: Appointed Boards, Commissions and Officers

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<sup>1</sup>The Board of Selectmen indicated the reason that it wanted some of these sections or chapters reviewed. For other sections or chapters, however, the Board asked for a general review without any specific reasoning given. If the Board gave a reason that it wanted a specific section or chapter reviewed, that is noted in the part of this report detailing the Committee’s recommendations.

Section 5-10: Board of Library Directors  
Section 5-15: Regional Planning Agency Delegates  
Section 6-2: Compensation  
Chapter 7: Finance and Taxation  
Section 8-4: Procedure  
Section 8-6 (B): Actions Requiring a Town Meeting  
Chapter 9: Town Employees  
Section 10-2: Code of Ethics

The Committee was also encouraged by the Board, and is authorized by state statute, to review the entire Charter in addition to those sections and chapters indicated by the Board. As such, the Committee undertook a full review of the Charter before preparing this report.

At its meetings, the Committee determined those provisions of the Charter to recommend for amendment or clarification, as well as those provisions it decided should remain as they are at present. The members of the Committee consulted with Town officials, boards, commissions, and the Connecticut Conference of Municipalities, and independently researched similar provisions in other municipal charters and trends in changes implemented by other towns. The Committee members' votes and recommendations were based on the culmination of thorough research, review, and debate—weighing the pros and cons, the potential for unintended consequences, and the view that the Committee should do what is right rather than what is convenient. The Committee's discussion was specific to the current and future roles of Town officials and governing bodies—not to any individual currently in those roles.

Accordingly, this report addresses the Committee's recommendations for revising the Charter, including provisions that the Committee reviewed but decided not to recommend for amendment. The report is organized by Charter section. For each section, the report indicates the Board's comments regarding the section, the Committee's proposed change, if any, and the reasoning behind the Committee's recommendation. For the proposed changes, added text is underlined (text added) and deleted text is crossed out (~~text deleted~~).

## **NOTE OF APPRECIATION**

The Committee would like to thank the Town officials, directors, employees, the members of the Board of Selectmen, boards, commissions and committees, and the Town Clerk, who all provided invaluable input into the research, analysis and issue considerations undertaken by the Committee. We would also like to express our kind thanks to Toni Vosburgh for her administrative services with respect to the Committee's minutes and postings.

Most especially, we are greatly appreciative of the input and ongoing constructive dialogue and debate from our community regarding the current status of, and recommended revisions to, the Charter.

## **RECOMMENDATIONS OF THE CHARTER REVIEW COMMITTEE**

### **Section 1-5.**

Board of Selectmen Comments: None.

**“Section 1-5.** For purposes of this Charter, the use of the terms “he<sub>1</sub>” “his<sub>1</sub>” etc.<sub>1</sub> shall not be literally interpreted and the terms “she<sub>1</sub>” “her<sub>1</sub>” etc.<sub>1</sub> should be substituted as appropriate.”

Committee Comments: The Committee discussed whether to revise this section or make changes throughout the Charter so that language is not gender specific. It decided that this section sufficiently conveys that idea so that no substantive changes are recommended, but the Committee recommends adding commas for clarity.

### **Section 2-5. Vacancies in Elective Office.**

Board of Selectmen Comments: The Board directed the Committee to consider whether an appointee should serve until the next municipal election or for the remainder of the term of the position being filled.

**“Section 2-5. Vacancies in Elective Office.** Any vacancy, in any elective town office excluding the Board, shall be filled within sixty days of such vacancy by appointment of

the Board. Any such appointee shall be a member of the same political party as the voter vacating the office. In the case of an unaffiliated voter vacating the office, any such appointee shall be from any political party on whose slate the unaffiliated voter ran or another unaffiliated voter. Such appointee shall serve for the unexpired portion of the term vacated ~~until the next regular town election. At the next such regular town election, such office shall be filled by the election of a person who shall serve for the unexpired portion of the term, and shall take office immediately upon election.~~

Committee Comments: The purpose of this proposed change is to have the appointee serve for the remainder of the unexpired term.

### **Section 3-3. Board of Selectmen.**

Board of Selectmen Comments: The Board suggested that the terms of the individual selectman should be staggered.

**“Section 3-3. Board of Selectman.** ~~Commencing with the November 2013 election,~~  
The Board shall consist of a First Selectman and four other selectmen. At the next regular municipal election following the effective date of this section, a First Selectman and two other selectmen ~~members of the Board shall be elected to serve a all for terms of four years, and two other selectmen shall be elected to serve a term of two years. At all subsequent municipal elections, the term of the office of First Selectman and the term of the office of the other selectmen shall be four years.~~ The votes cast, including any valid write-in votes, for an unsuccessful candidate for First Selectman shall not be counted as votes for that person ~~him as a member of such board~~ one of the other selectmen. For purposes of determining minority representation only, the First Selectman shall not be counted as a member of the Board.”

Committee Comments: The Committee agreed with the Board's suggestion to stagger the terms of the Board. It also proposes that the First Selectman shall not be counted as a member of the Board for purposes of minority representation, which will encourage a balanced Board.

### **Section 3-4. Board of Finance**

Board of Selectmen Comments: The Board advised that some language of this section with respect to staggering the terms of the members of the Board of Finance might be obsolete.

**“Section 3-4. Board of Finance.** The Board of Finance shall consist of seven members, each of whom shall be elected for a four-year term. ~~At the first municipal election held after the adoption of this Charter, two members shall be elected for a four-year term and one member shall be elected for a two-year term. At the second municipal election held after the adoption of this Charter, three members shall be elected for a four-year term. At the third municipal election held after the adoption of this Charter, four members shall be elected for a four-year term. Thereafter, a~~At each biennial election, members shall be elected for four-year terms to succeed members whose terms expire. The maximum number of members of the same political party shall be four.

Committee Comments: The Committee agreed that the language relative to staggering the terms of the members of the Board of Finance is obsolete, as the terms are already staggered.

### **Section 3-11. Elected State Officers**

Board of Selectmen Comments: None.

**“Section 3-11. Elected State Officers.** ~~At the first state elections to be held after the adoption of this Charter, and every four years thereafter, there shall be elected t~~The following officers shall be elected:

“A. Two Registrars of Voters, in accordance with the applicable provisions of the General Statutes, for terms of four years, to take office from the Wednesday following the first Monday in January succeeding their election.

“B. A Judge of Probate for the Probate District which includes Burlington, in accordance with the applicable provisions of the General Statutes, for a term of four years, commencing on the Wednesday after the first Monday in January succeeding the election.”



Committee Comments: The purpose of this proposal is to eliminate language that was relevant to the last Charter revision.

#### **Section 4-1. Board of Selectmen.**

Board of Selectmen Comments: None.

**“Section 4-1. Board of Selectmen.** ~~The~~ There shall be a Board of Selectmen shall consisting of ~~the First Selectman and four other selectmen~~ five members. No Selectman ~~member of the Board~~ shall hold any other compensated, elected office under the government of the United States, the State of Connecticut, or any subdivision thereof; nor shall he, during the term of office for which he is elected, hold or be appointed to any other office under the government of the Town.”

Committee Comments: The purpose of this proposed change is to make the language consistent with the proposed changes to Section 3-3.

#### **Section 5-5. Economic Development Commission**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 5-5. Economic Development Commission.** The Board shall appoint an Economic Development Commission consisting of seven members who shall serve four-year terms, ~~except that of those first appointed under the provisions of this Charter, four shall be appointed to four-year terms and three shall be appointed for two-year terms.~~ Biennially thereafter, ~~t~~The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms expire.”

Committee Comments: The purpose of this proposed change is to eliminate language that was relevant to staggering the terms of the members of the Economic Development Commission, as the terms are already staggered.

#### **Section 5-6. Water Pollution Control Authority**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 5-6. Water Pollution Control Authority.** The authority shall consist of seven members appointed by the Board who shall serve four-year terms, ~~except that of those first appointed under the provisions of this Charter, four shall be appointed for four-year~~

~~terms and three shall be appointed for two-year terms. Biennially thereafter, t~~The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms expire.”

Committee Comments: The purpose of this proposed change is to eliminate language that was relevant to staggering the terms of the members of the Water Pollution Control Authority, as the terms are already staggered.

#### **Section 5-7. Parks and Recreation Commission**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 5-7. Parks and Recreation Commission.** The Board shall appoint a Parks and Recreation Commission consisting of seven members who shall serve four-year terms, ~~except that of those appointed under the provisions of this Charter, four shall be appointed for four-year terms and three shall be appointed for two-year terms.~~

~~Biennially thereafter, t~~The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms expire.”

Committee Comments: The purpose of this proposed change is to eliminate language that was relevant to staggering the terms of the members of the Parks and Recreation Commission, as the terms are already staggered.

#### **Section 5-10. Board of Library Directors.**

Board of Selectmen Comments: The Board directed a general review of this chapter and indicated that it believes there are too many positions on the Board of Library Directors.

**“Section 5-10. Board of Library Directors.** The Board shall appoint a Board of Library Directors consisting of nine members who shall serve four-year terms, ~~except that of those first appointed under the provisions of this Charter, five shall be appointed for four-year terms, and four shall be appointed for two-year terms. Biennially thereafter, t~~The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms expire.”

Committee Comments: Although the Committee agrees with the Board’s comment regarding the number of positions on the Board of Library Directors, it makes no

recommendation at this time, as the Town Counsel is currently reviewing state statutes on this topic. The Committee also recommends eliminating certain language in this section that was relevant to staggering the terms of the members of the Board of Library Directors, as the terms are already staggered.

#### **Section 5-11. Inland Wetlands and Watercourses Commission**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 5-11. Inland Wetlands and Watercourses Commission.** The Board shall appoint an Inland Wetlands and Watercourses Commission consisting of seven members who shall serve four-year terms, ~~except that of those first appointed under the provisions of this Charter, four shall be appointed for four-year terms and three shall be appointed for two-year terms. Biennially thereafter, t~~The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms expire.”

Committee Comments: The purpose of this proposed change is to eliminate language that was relevant to staggering the terms of the members of the Inland Wetlands and Watercourses Commission, as the terms are already staggered.

#### **Section 5-15. Regional Planning Agency Delegates**

Board of Selectmen Comments: The Board directed a general review of this chapter and advised that this section is obsolete because the First Selectman is now required under the General Statutes to be the only delegate.

**“Section 5-15. Regional Planning Agency Delegates.** ~~The Board shall appoint for two-year terms two representatives from the Town to the Regional Planning Agency, one from among the members of the Board and the other who must be a member or alternate member of the Planning and Zoning Commission.~~ The delegates for the Regional Planning Agency shall be appointed in accordance with the General Statutes.”

Committee Comments: The purpose of the proposed amendment is to conform to changes required by the Regional Planning Agency.

### **Section 5-20. Town Counsel.**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 5-20. Town Counsel.** The Board shall retain the legal services of a law firm to serve as Town Counsel. It shall appear for and protect the rights of the Town in actions, suits, or proceedings brought by or against the Town or any of its boards, commissions, departments, agencies, directors or officers. The counsel shall be the legal adviser to all town boards, commissions, departments, agencies, directors or officers in matters affecting the Town and shall upon request furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request, it shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest. It shall have the power, with approval of the Board, to compromise or settle any claims by or against the Town and to appeal from orders, decisions, and judgments. Prior approval is required by the First Selectman in order to engage the Town Counsel on any inquiries into a request for services.”

Committee Comments: Because engaging the Town Counsel may result in charges to the Town, the purpose of the proposed change is to ensure that the Town Counsel is not engaged without prior approval from the First Selectman. Town Counsel has represented that, if an issue involved the First Selectman, another selectman could obtain approval from the remaining members of the Board to engage Town Counsel.

### **Sections 5-24 (New). Finance Director**

Board of Selectmen Comments: The Board indicated that, like the Town Clerk, Tax Collector, and Assessor, it wanted to require Board approval to appoint a Finance Director.

**“Section 5-24 (New). Finance Director.** The Board shall appoint a Finance Director.”

Committee Comments: The Committee agrees with the Board’s recommendation to require Board approval to appoint a Finance Director. The Committee discussed whether the Finance Director would have to be an elector of the Town in light of Section

5-2<sup>2</sup> but concluded, after consulting with Town Counsel, that the elector requirement in Section 5-2 applies to persons appointed to “any town board or commission,” which would not include an appointment to the position of Finance Director.

### **Section 6-2. Compensation**

Board of Selectmen Comments: The Board directed the Committee to clarify the language in this section. After the Committee’s initial proposal, the Board indicated a desire to require Board approval for all compensation decisions.

**“Section 6-2. Compensation.** The Board shall determine the compensation for the First Selectman, ~~Town Clerk, Town Treasurer, Tax Collector, Assessor, and all directors and employees of the Town.~~ The First Selectman, in consultation with and with approval of the Board, shall determine the compensation for any paid, elected officials and all employees of the town not subject to a collective bargaining agreement. ~~Compensation shall be determined by the Board in conformity with a pay plan for the positions involved.~~ No compensation shall be based upon any fees collected. Fees collected shall be paid to the town treasury.

Committee Comments: The purpose of this proposed change is to clarify that the Board determines the compensation for the First Selectman and that the First Selectmen, with the Board’s approval, determines the compensation for positions not subject to a collective bargaining agreement.

### **Section 6-3 (New). Compensation for Town Employees Subject to a Collective Bargaining Agreement.**

Board of Selectmen Comments: None.

**“Section 6-3 (New). Compensation for Town Employees Subject to A Collective Bargaining Agreement.** Compensation for town employees subject to a collective bargaining agreement shall be handled in accordance with the guidelines set forth within any collective bargaining agreement then in effect.”

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<sup>2</sup>Section 5-2, entitled, “Appointment and Eligibility,” provides: “No person shall be eligible for appointment to any town board or commission who is not, at the time of his appointment, an elector of the Town. Any person ceasing to be an elector of the Town shall thereupon forfeit his membership on said board or commission.”

Committee Comments: The purpose of this change is the codify that compensation for Town employees subject to a collective bargaining agreement shall be determined according to such agreement.

#### **Section 7-5. Duties of the Board of Finance on the Budget**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 7-5. Duties of the Board of Finance.** Following receipt of the Town’s budget proposal from the Board and the Board of Education’s budget, after approval by Town referendum ~~proposal from the Chairman of the Board of Education~~, the Board of Finance shall analyze ~~review~~ the Town’s budget proposal and make changes it deems necessary. ~~same, and shall prepare the Annual Budget Proposal for the Annual Town Budget Meeting.~~ Upon request, the department heads shall meet with the Board of Finance for the purpose of reviewing their proposed budgets. The Board of Finance is authorized to make changes to the town’s budget proposal to fulfill its fiduciary responsibilities. The Board will have the ability to review the final proposed budget prior to the Annual Town Budget Meeting. Any concerns will be discussed and reconciled between the Board and the Board of Finance prior to the Annual Town Budget Meeting.

“The Board of Finance shall prepare the Annual Budget Proposal for the Annual Town Budget Meeting. The Board of Finance shall hold one or more public hearings at least ten days before the Annual Town Budget Meeting, at which any elector or taxpayer shall have an opportunity to be heard regarding the Annual Budget Proposal of the Town for the ensuing fiscal year. . . .”

Committee Comments: The purpose of this proposed change is to conform to accepted practices and to synchronize the work of the Board and the Board of Finance regarding the annual budget.

#### **Section 7-7. Municipal Reserve Fund.**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 7-7. ~~Municipal Reserve Fund~~ Reserves.** A. Municipal Reserve Fund. Upon the recommendation of the Board of Finance and the approval of the Annual Town Budget Meeting, a Municipal Reserve Fund for capital and nonrecurring expenses

shall be established and used in accordance with the General Statutes. ~~Upon the recommendation of the Board of Finance and the approval of the Annual Town Budget Meeting, t~~ There shall be paid into the Municipal Reserve Fund:

(1) moneys, as determined by the Board of Finance, transferred thereto from the ~~general fund~~ cash surplus available at the end of any fiscal year as a result of actual expenses being less than budgeted;

(2) moneys budgeted and approved at the Annual Town Budget Meeting to be added to the Municipal Reserve Account;

~~(23)~~ moneys raised by annual levy of a tax not to exceed two mills for the benefit of such fund, and for no other purpose, such tax to be levied and collected in the same manner and at the same time as the regular taxes of the Town;

“All such moneys so accumulated together with the interest which may accrue thereon shall be deposited in a separate bank account by the treasurer and shall be used for the purposes of and in a manner recommended by the Board and approved by the Board of Finance and the Town Meeting.

“All or any portion of the Municipal Reserve Fund may be used to finance the planning, construction, reconstruction, acquisition of any specific item or equipment of such category, character, or nature as not to be a purpose or object for which an appropriation is customarily made annually. Such appropriations may be made only upon the recommendation of the Board and with the approval of the Board of Finance, and, if the appropriation ~~exceeds~~ increases ~~-1% of the annual budget~~ by more than .1%, with the approval of a duly called Town Meeting. The Town Meeting may decrease the designated amount(s) but may not increase the amount(s). The Town Meeting may make no special appropriation or transfer of funds not recommended by the Board and approved by the Board of Finance. Upon such approval of any project or acquisition, an appropriation shall be set up, plainly designated for the specific project or acquisition for which it was approved, and such unexpended appropriation may continue, subject to limitations hereinafter stated, until such project or acquisition is completed. Any unexpended portion of the appropriation remaining after completion shall revert to the Municipal Reserve Fund. Any appropriation set up to be drawn from the Municipal

Reserve Fund may at any time subsequent to the effective date of this establishment, upon recommendation of the Board of Selectmen and approval of the Board of Finance, be terminated. If no expenditure from or encumbrance of any such appropriation has been made within a period of three fiscal years following the effective date of such appropriation, that appropriation shall be terminated. The fiscal year in which such appropriation was authorized shall be deemed the first fiscal year of the three-year period.

“The Board of Finance, the Town Meeting, and any Town official(s) who may be concerned with the operation of this fund shall have any and all powers as provided in Chapter 108 of the General Statutes.

“B. Named Reserves (New). Upon the recommendation of the Board of Finance and the approval at the Annual Town Budget Meeting, specific Named Reserve Fund(s) for anticipated expenditures for capital and nonrecurring expenses may be established. The purpose of each Named Reserve Fund shall be to reduce drastic increases and decreases in requests for capital or nonrecurring expenditure funding. There shall be paid into specific Named Reserved Funds:

- (1) moneys, as determined by the Board of Finance, transferred thereto from the cash surplus available at the end of any fiscal year as a result of actual expenses being less than budgeted;
- (2) moneys budgeted and approved at the Annual Town Budget Meeting to be added to the Named Reserve Fund;
- (3) moneys, as determined by the Board of Finance, from the capital budget of the department that will incur the anticipated future expenditure.

“The Board of Finance is authorized to transfer moneys from a Named Reserve Fund to either the General Fund, the Municipal Reserve Fund, or another Named Reserve Fund so long as the moneys transferred are not restricted and the Board of Finance determines that the moneys were no longer needed in the transferor account. The Board of Finance is authorized to close out a Named Reserve Fund it deems no longer



needed and transfer any moneys therein to either the General Fund, the Municipal Reserve Fund, or another Named Reserved Fund.”

Committee Comments: The purpose of this proposed change is to provide the Board of Finance with the authority to establish and manage Named Reserve Funds, which may be used to set aside moneys for future capital and nonrecurring expenses.

### **Section 7-8. Expenditures and Accounting**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 7-8. Expenditures and Accounting.** No purchase of products, services and/or consultants, shall be made except upon the preapproval of the First Selectman or his authorized agents. Such purchases shall be made under such rules and regulations as may be established by the Board.

“No voucher, claim or charge against the Town shall be paid until the same has been examined by the First Selectman and approved by him for correctness and legality. Checks shall be drawn for the payment of approved claims which shall be valid when signed by the First Selectman and countersigned by the Town Treasurer. In the absence or inability to act of either the First Selectman or the Town Treasurer with respect to the above duty, another Selectman is authorized to substitute temporarily for either but not both of them.

“No board, commission, department, agency, officer, or employee of the Town shall be authorized to involve the Town in any obligation to spend money for any purposes in excess of their approved budget ~~the amount appropriated in the line item to which said expenditure shall be charged~~ until the matter has been approved by the Board of Finance. Each order drawn upon the Town shall state the appropriation against which it is to be charged.

~~“When any board, commission, agency, department, or officer intends to transfer funds set apart for one specific purpose to another, before incurring any expenditure, it shall make application to the Board whose duty it shall be to examine the matter. Upon approval of the Board such transfer may be made.~~

“Upon recommendation of the Board, additional appropriations over and above the total budget may be made from time to time by the Board of Finance after a determination by them that there is available an unassigned and unencumbered general cash balance to meet such appropriation.

“Any appropriation, in addition to the budget, of more than .1% of the annual budget shall become effective only after approval by the Board of Finance and passage at a Town Meeting, except that transfers from the Contingency Expense Line Item, ~~and the~~ Municipal Reserve Fund and Named Reserve Funds may be made by the Board of Finance upon the recommendation of the Treasurer.

“All expenditures exceeding an amount to be determined by a Town Meeting shall be subject to competitive bidding. The Board, with input from the Board of Finance, will exercise primary responsibility for ~~formulation of~~ maintaining policy relative to requirements for quotes, bids, and other criteria to control purchasing and purchase orders.

“For the purposes of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the cumulative total amount of which shall not exceed five percent of the current tax levy in that fiscal year, may be made.

“Any payment made in violation of this ~~chapter~~ Charter shall be deemed illegal and every official authorizing or making such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so paid or received. Any appointive officer or employee of the Town who knowingly incurs any obligation or authorizes or makes any expenditure in violation of the provisions of this Charter or takes any part therein, may be removed for cause.”

Commission Comments: The purpose of the proposed changes is to clarify the language of this section and make it consistent with the proposed changes to Section 7-7.

#### **Section 8-4. Procedure.**

Board of Selectmen Comments: The Board indicated a desire to stop posting official Town notices on exterior signposts.

**“Section 8-4. Procedure.** All town meetings shall be called to order by the First Selectman or, in his absence, as provided in Section 4-2 of this Charter. A moderator shall be elected and all business conducted in the manner provided by the laws of the State, except as otherwise provided in this Charter. The Town Clerk shall serve as clerk of all town meetings but in the Town Clerk’s absence, an acting clerk may be designated by the moderator. Town meetings should be held at a time of day which would encourage the greatest participation of the public whenever possible.

“Legal notice and the text of any proposed ordinance shall be posted in the Town Clerk’s office and public place or places as the Board shall prescribe.”

Committee Comments: The Committee recommends no changes to this section, as it does not require the Town to use exterior signposts to notice meetings.

#### **Section 8-6. Actions Requiring a Town Meeting**

Board of Selectmen Comments: The Board asked the Committee to review subsection B as it relates to Chapter 7, Finance and Taxation.

**“Section 8-6. Actions Requiring a Town Meeting.** The Board shall call a town meeting for consideration of any of the following actions:

- A. adoption of a town budget;
- B. any resolution appropriating more than .1% in excess of the annual budget ~~in addition to the budget for any purpose~~;
- C. any resolution authorizing the issuance of bonds and all other forms of financing, the terms of which exceed one year;
- D. real estate purchases by the Town;
- E. any sale or transfer of real property or any interest therein of the Town except property acquired by tax foreclosure;
- F. real estate leases or lease options to which the Town is a party for terms in excess of three years;

G. adoption of town ordinances;

H. such matters or proposals as may be required by the provisions of this Charter, or as the Board, in its discretion, shall deem to be of sufficient importance to warrant town meeting consideration.

“Any such action shall become effective only after it has been approved by a majority of those present and voting at such meeting.”

Committee Comments: The purpose of this proposed change is to clarify that a town meeting is required to approve an appropriation that increases the total annual town budget by more than .1%.

### **Section 9-2. Job Classification and Salaries.**

Board of Selectmen Comments: The Board directed a general review of this chapter.

#### **“Section 9-2. Job Classification Statements; and Salaries Town Employees**

**Subject to a Collective Bargaining Agreement.** The First Selectman shall ~~prepare~~establish a statement of the duties, and responsibilities, ~~of and compensation for each position and the minimum qualifications for appointment to each position, as well as the compensation as set in accordance with Sections 6-2 and 6-3. These statements shall become effective upon approval by resolution of the Board.~~ New or additional positions may be created or existing positions abolished. Upon recommendation of the First Selectman, changes in duties and responsibilities of existing positions may be made by resolutions of the Board.

**“The First Selectman shall ensure that all personnel and policy issues regarding an employee who is a member of an employee organization, as defined in General Statutes Section 7-467 (6), is handled in accordance with the guidelines set forth within any collective bargaining agreement then in effect. For purposes of Chapter 113 of the General Statutes, as amended, the First Selectman shall have the sole authority to recognize the exclusive bargaining agent for any unit of town employees and shall act as the bargaining agent for the Town in consultation with the Board.”**

Committee Comments: The purpose of the proposed change is to clarify the substance of Job Classification Statements in light of other proposed changes and to provide that

employees subject to a collective bargaining agreement will be governed by the terms of such agreement.

**Section 9-3 (New). Town Employees Not Subject to a Collective Bargaining Agreement**

Board of Selectmen Comments: None.

**“Section 9-3 (New). Town Employees Not Subject to a Collective Bargaining Agreement.** Any town employee who is not hired pursuant to a collective bargaining agreement shall be subject to the personnel and policy guidelines set forth as follows in Sections 9-4 through 9-6.”

Committee Comments: The purpose of this proposed change is to codify that employees not subject to a collective bargaining agreement are subject to the following sections of the Charter.

**Section 9-3. Personnel Policy.**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 9-3 9-4. Personnel Policy.** All Town employees shall be hired or promoted on the basis of merit and in conformity with recognized principles of public personnel administration. The merit system shall be administered under the supervision of the First Selectman.”

Committee Comments: The purpose of this proposal is to renumber what was formally Section 9-3 as Section 9-4.

**Section 9-4. Personnel Rules.**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 9-4 9-5. Personnel Rules.** The First Selectman shall prepare a set of personnel rules providing, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absences, removals and such other rules as may be necessary to provide adequate and systematic procedure for the administration of the personnel affairs of the Town. Such rules and such other rules as may be necessary

shall become effective upon approval by resolution of the Board. Copies of such rules and any amendments thereto shall be distributed to all employees.”

Committee Comments: The purpose of this proposal is to renumber what was formally Section 9-4 as Section 9-5.

#### **Section 9-5. Performance Review.**

Board of Selectmen Comments: The Board directed a general review of this chapter.

**“Section 9-5 9-6. Performance Review.** The First Selectman, or his designee, shall, at least annually, review the performance of each employee of the Town who has been employed six months or more and shall place a copy thereof in the personnel file of each such employee.”

Committee Comments: The purpose of this proposal is to renumber what was formally Section 9-5 as Section 9-6.

#### **Section 10-2. Code of Ethics**

Board of Selectmen Comments: The Board directed that the Committee should consider deleting this section, as there is already an ordinance establishing a Code of Ethics and Ethics Commission.

**“Section 10-2. Code of Ethics.** ~~Within one year of the Town’s acceptance of this Charter, the Board shall recommend to the legislative body of the Town a proposed ordinance comprising~~ The Board shall appoint an Ethics Commission and shall maintain and periodically review a Code of Ethics to govern the conduct of elected and appointed officers, directors, employees, and board and commission members of the Town.”

Commission Comments: The purpose of this proposed change is to update the language of this section, as the Town has passed an ordinance creating an Ethics Commission and promulgating a Code of Ethics. The Committee felt that an Ethics Commission should remain codified in the Charter as well as in the ordinances.

## **CONCLUSION**

The Committee, understanding the importance of our work, makes the foregoing recommendations based on careful deliberation and following many spirited and engaging discussions. Our goal is to ensure that the provisions of the Charter are clear, easy to understand, and reflect the current best practices. We hope that our efforts will help the Charter continue to evolve while also preserving the Town's fundamental principles. The Committee looks forward to hearing comments from the public and collaborating with our fellow residents.

## **APPENDIX I: NOTES<sup>3</sup> FROM JULY 7, 2020 BOARD OF SELECTMEN SPECIAL MEETING**

On July 7, 2020, the Board of Selectmen held a special meeting for purposes of discussing the draft report submitted by the Charter Review Committee. The following is a brief summary of the comments from the Board that indicated a disagreement with the Committee's recommendations:

- Section 3-3: The Board indicated that it was not in favor of the proposal to omit the First Selectman as a member of the Board for purposes of minority representation only.
- Section 6-2: The Board appeared to be in favor of requiring a vote of the entire Board for all compensation decisions. It also stated that it wanted to delete the following sentence, "Compensation shall be determined by the Board in conformity with a pay plan for the positions involved."
- Section 7-5: The Board discussed modifying the proposed language of this section so that it is clear that the Board of Finance receives the Board of Education's budget following approval of that budget at a town referendum.
- Section 7-7: The Board expressed an intention to move the proposed subsection B, entitled Named Reserves, to the end of Section 7-7.
- Section 7-8: The Board proposed listing the specific agents who are authorized by the First Selectman to preapprove the purchase of products, services and/or consultants.

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<sup>3</sup>These notes were authored by Chairman David Goshdigian and were not reviewed or approved by the remainder of the Committee. They are intended to provide a general overview of those recommendations from the Committee that, at the July 7 meeting, the Board discussed modifying before the Charter review process advances. They in no way represent the Board's official position on any particular Charter section.



## **APPENDIX II: RECOMMENDATIONS FROM THE BOARD OF SELECTMEN**

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### **MEMORANDUM**

To: The Charter Review Committee  
From: Chairman Dave Goshdigian  
Date: July 22, 2020  
Re: Recommendations from the Board of Selectmen

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On June 29, 2020, following our public hearing, the Charter Review Committee (Committee) transmitted to the Town Clerk the report of our proposed revisions to the charter for review by the Board of Selectmen (Board). The Board held meetings to discuss our report on July 7, 14, and 21, 2020, and also conducted a public hearing on the report on July 14, 2020. During the July 21 meeting, the Board finalized its recommendations regarding our proposed revisions.

The next step in the charter review process is for the Committee to review the recommendations from the Board and decide whether to amend our report. Following that review, the Committee will transmit the final version of its report to the Town Clerk. The Board's recommendations, as summarized by me, are below for your review in anticipation of our upcoming meeting.

### **RECOMMENDATIONS FROM THE BOARD OF SELECTMEN**

Section 3-4. Board of Finance. Section 5-1. General. The Board recommended that the Committee review these sections to determine whether the provisions related to staggering the terms of the Board of Finance and appointing certain positions are no longer needed.

Sections 5-21 through 5-23. Town Clerk, Tax Collector, Assessor. The Board initially recommended to the Committee that we review these sections, noting "Collective Bargaining Unit over Board Appt," and we proposed deleting these sections. The Board has recommended that these sections remain undisturbed so as to provide that the Board appoint these positions.

Section 5-24 (New). Finance Director. As part of the discussion regarding Sections 5-21 through 5-23, the Board recommended a new Section 5-24 that provides that the Finance Director will be appointed by the Board.

Section 6-2. Compensation. The Board recommended that Board approval be required for all compensation decisions. It also recommended deleting the following sentence: "Compensation shall be determined by the Board in conformity with a pay plan for the positions involved."

Section 7-5. Duties of the Board of Finance on the Budget. The Board recommended amending the language of our proposal to clarify that the Board of Finance uses the Board of Education's budget following its approval at a town referendum.

Section 7-7. Municipal Reserve Fund. The Board, along with the Chairman of the Board of Finance, recommended moving the proposed new subsection on named reserve funds to the end of this section.

Section 9-2. Job Classification and Salaries. The Board initially recommended that we review all of Chapter 9 because certain town employees are now subject to a collective bargaining agreement. In light of that recommendation, we proposed deleting the provisions that the First Selectman shall prepare a statement of the duties and responsibilities and compensation for each position, which shall be approved by the Board, and that new positions may be created or existing positions abolished. In response to a discussion during the Board's public hearing, the town attorney proposed reviving most of this section. The Board agreed with the town attorney's proposal but recommended deleting language providing that the First Selectmen shall establish compensation for each position, as that conflicts with the Board's recommendation for Section 6-2.

## **APPENDIX III: THE PROPOSED CHARTER**

*The proposed changes to the Charter are indicated with strikethrough text for deletions (~~text deleted~~) and underlined text for added language (text added).*

### **CHAPTER 1. Incorporation and General Powers**

#### **Section 1-1. Incorporation.**

All the inhabitants dwelling within the territorial limits of the Town of Burlington, as heretofore constituted, shall continue to be a body politic and corporate under the name of "Town of Burlington" (hereinafter called "Town") and as such shall have: perpetual succession; all powers, privileges and immunities heretofore held by the Town which are consistent with the provisions of this Charter; additional powers and privileges herein conferred; and such additional powers and privileges conferred under the laws of the State of Connecticut.

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

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested in the Town as of the effective date of this Charter are continued. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien.

The Town shall continue to be liable for its debts and obligations.

Any contract entered into by the Town and any bond or undertaking given by or in favor of the Town prior to the effective date of this Charter which contains provisions that the same may be enforced by any board, commission, department, agency or officer named therein which is abolished by a provision(s) of this Charter, shall in no manner be impaired, but shall continue in full force and effect, and the powers conferred and the duties imposed therein shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Selectmen, (hereinafter called the "Board").

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

In addition to all powers granted to towns under the Constitution and laws of the State, the Town shall have all powers specifically granted by this Charter and all powers fairly

implied in, or incident to, the powers expressly granted. Further, the Town shall have all other powers incident to the management of the property, government, and affairs of the Town, including the power to enter into contracts with the United States, any federal agency, the State, or any political subdivision thereof, for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution or the laws of the State. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

#### **Section 1-4. Existing Laws and Ordinances.**

As of the effective date of this Charter, all laws of the State applicable to the Town and all ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter. All special acts or parts of special acts relating to the Town and now in effect which are in conflict with this Charter shall cease to apply and all such provisions of such acts not in conflict with this Charter shall continue in effect.

#### **Section 1-5.**

For purposes of this Charter, the use of the terms “he<sub>1</sub>” “his<sub>1</sub>” etc.<sub>1</sub> shall not be literally interpreted and the terms “she<sub>1</sub>” “her<sub>1</sub>” etc.<sub>1</sub> should be substituted as appropriate.

### **CHAPTER 2. Elections**

#### **Section 2-1. General.**

Nomination and election of federal and state officers and of such elected town officers, boards, commissions, and agencies shall be conducted as provided for in this Charter. The Registrars of Voters shall prepare lists of electors qualified to vote theretofore, in the manner prescribed in the Constitution and the General Statutes of the State. An election for the purpose of electing municipal officers shall be held on the first Tuesday after the first Monday of November of each odd-numbered year.

#### **Section 2-2. Eligibility.**

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, as defined in Section 9-1 of the General Statutes, and

any person ceasing to be an elector of the Town shall thereupon cease to hold elective office in the Town and the office shall be vacant.

### **Section 2-3. Minority Representation.**

Except as otherwise provided in this Charter, the maximum number of members of any elective or appointive board, commission, committee or similar body who may be members of the same political party shall be as specified in the following table:

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

### **Section 2-4. Breaking a Tie.**

When any regular or special municipal election 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. Said adjourned election shall be held two weeks after such election at the same hour the first election was held. It shall be confined to the undecided office(s).

### **Section 2-5. Vacancies in Elective Office.**

Any vacancy, in any elective town office excluding the Board, shall be filled within sixty days of such vacancy by appointment of the Board. Any such appointee shall be a member of the same political party as the voter vacating the office. In the case of an unaffiliated voter vacating the office, any such appointee shall be from any political party on whose slate the unaffiliated voter ran or another unaffiliated voter. Such appointee shall serve for the unexpired portion of the term vacated ~~until the next regular town election. At the next such regular town election, such office shall be filled by the election of a person who shall serve for the unexpired portion of the term, and shall take office immediately upon election.~~

## **Section 2-6. Vacancies on the Board of Selectmen.**

If a vacancy occurs in the office of First Selectman, the remaining members of the Board of Selectmen, shall within fifteen days, appoint one of themselves to fill the vacancy until a special election, which shall forthwith be called by the Town Clerk. The election shall be held in accordance with the provisions of Sections 9-164, 9-450, and 9-459 of the General Statutes.

If a vacancy occurs in the office of Selectman, a successor shall be appointed by the remaining members of the Board within thirty days of such vacancy. Such appointee shall serve until the next regular town election and shall take office immediately upon appointment. If such a vacancy in the office of Selectman is not filled within thirty days after the day of such vacancy, a special election may be called as hereinafter provided upon the filing of a petition with the Town Clerk containing the signatures of a number of electors of the Town equal to five percent of the names on the last-completed registry list, but not fewer than fifty such electors, filed no later than sixty days after the day of such vacancy. A special election shall forthwith be called by the Town Clerk upon the filing of such a petition with him and shall be held in accordance with the provisions of Sections 9-164, 9-450, and 9-459 of the General Statutes.

## **Section 2-7. Board of Admissions of Electors.**

In accordance with the provisions of the General Statutes, the Board of Admissions of Electors shall consist of the Town Clerk and the Registrars of Voters.

# **CHAPTER 3. Elective Officers, Boards and Commissions**

## **Section 3-1. General Powers and Duties.**

Except as otherwise provided in this Charter, all elective town officers, boards and commissions in existence on the effective date of this Charter shall remain in existence under this Charter, and shall have the powers and duties prescribed by the General Statutes, special acts applicable to the Town and town ordinances, as the same may be amended from time to time. Boards and commissions shall make regulations for the conduct of meetings and the execution of duties and shall choose a chairman and a secretary annually.

### **Section 3-2. Terms of Office.**

The terms of office of all elective officers, board and commission members shall, except as otherwise provided in this Charter, commence on the first day of December following their election. All elective officers shall hold office until their successors have been chosen and qualified.

### **Section 3-3. Board of Selectman.**

~~Commencing with the November 2013 election, The Board shall consist of a First Selectman and four other selectmen. At the next regular municipal election following the effective date of this section, a First Selectman and two other selectmen members of the Board shall be elected to serve a all for terms of four years, and two other selectmen shall be elected to serve a term of two years. At all subsequent municipal elections, the term of the office of First Selectman and the term of the office of the other selectmen shall be four years. The votes cast, including any valid write-in votes, for an unsuccessful candidate for First Selectman shall not be counted as votes for that person him as a member of such board one of the other selectmen. For purposes of determining minority representation only, the First Selectman shall not be counted as a member of the Board.~~

### **Section 3-4. Board of Finance.**

The Board of Finance shall consist of seven members, each of whom shall be elected for a four-year term. ~~At the first municipal election held after adoption of this Charter, two members shall be elected for a four-year term and one member shall be elected for a two-year term. At the second municipal election held after the adoption of this Charter, three members shall be elected for a four-year term. At the third municipal election held after the adoption of this Charter, four members shall be elected for a four-year term. Thereafter, a~~At each biennial election, members shall be elected for four-year terms to succeed members whose terms expire. The maximum number of members of the same political party shall be four.

**Section 3-5. Planning and Zoning Commission.**

The Planning and Zoning Commission shall consist of seven members, each of whom shall be elected for a four-year term. At each biennial election, members of such commission shall be elected for four-year terms to succeed members whose terms expire.

**Section 3-6. Board of Assessment Appeals.**

The Board of Assessment Appeals shall consist of three members, each of whom shall be elected for a term of four years. At each biennial election, members of such board shall be elected for four-year terms to succeed members whose terms expire.

**Section 3-7. Zoning Board of Appeals.**

The Zoning Board of Appeals shall consist of five members, each of whom shall be elected for a term of four years. At each biennial election, members of such board shall be elected for four-year terms to succeed members whose terms expire.

**Section 3-8. Treasurer.**

The Town Treasurer shall be elected at each municipal election for a term of two years.

**Section 3-9. Oaths.**

The Town Clerk shall administer the oath of office to each elected and appointed municipal official before his entering or reentering upon the duties of his office and shall file a statement of the administration of the oath and record the same.

**Section 3-10. Regional School District Board of Education.**

The election of members in the Regional Board of Education shall occur concurrently with the Municipal Election held pursuant to Section 2-1 of this charter.



### **Section 3-11. Elected State Officers.**

~~At the first state elections to be held after the adoption of this Charter, and every four years thereafter, there shall be elected t~~The following officers shall be elected:

A. Two Registrars of Voters, in accordance with the applicable provisions of the General Statutes, for terms of four years, to take office from the Wednesday following the first Monday in January succeeding their election.

B. A Judge of Probate for the Probate District which includes Burlington, in accordance with the applicable provisions of the General Statutes, for a term of four years, commencing on the Wednesday after the first Monday in January succeeding the election.

## **CHAPTER 4. Board of Selectmen**

### **Section 4-1. Board of Selectmen.**

~~The There shall be a Board of Selectmen~~ shall consisting of the First Selectman and four other selectmen ~~five members~~. No ~~Selectman~~ member of the Board shall hold any other compensated, elected office under the government of the United States, the State of Connecticut, or any subdivision thereof; nor shall he, during the term of office for which he is elected, hold or be appointed to any other office under the government of the Town.

### **Section 4-2. First Selectman.**

The First Selectman shall call an organizational meeting of the Board within one week after its members take office. The First Selectman shall not be deprived of his vote on any question at any meeting of the Board of Selectmen. The First Selectman shall preside over all meetings of the Board and perform such other duties consistent with his office as may be imposed by the Board. The office of First Selectman shall be a full-time position. He shall be recognized as the chief executive officer of the Town for all purposes. At the first meeting of the newly elected Board of Selectmen, the Board of Selectmen shall elect from among its own members, a Deputy First Selectman who shall serve as acting First Selectman during the temporary absence or disability of the First Selectman. In the event the Deputy First Selectman cannot perform the duties of

the First Selectman, the duties of the First Selectman shall be performed by another member chosen by the Board except as otherwise specifically provided in this Charter.

The First Selectman shall have the following powers and duties:

A. to hire, and remove, the necessary employees for offices and agencies under the direction of persons he appoints; to supervise and direct all such employees and appointees; hire for an indefinite term and remove employees, department heads, and other officers and employees of the Town except employees in the offices of elected officers or boards and officers and boards appointed by the Board, except as otherwise specifically provided in this Charter.

B. to keep or cause to be kept complete books of accounts showing the financial condition and financial transactions of the Town;

C. to prepare, compile, review and present an annual budget to the Board of Selectmen along with recommendations and justification for changes.

#### **Section 4-3. General Powers and Duties.**

Except as otherwise provided for in this Charter, the Selectmen shall have the powers and duties conferred by the Constitution and the laws of the State.

The Board may create commissions or committees necessary or appropriate for the general welfare of the Town. Such commissions or committees shall not exceed twenty-four (24) months in duration. The term of any such commission or committee shall not be extended or renewed without Town Meeting approval.

#### **Section 4-4. Procedures.**

The Board, in accordance with the laws of the State and this Charter, shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. Three members present and voting shall constitute a quorum for the transaction of business at any regularly scheduled or special meeting. No resolution or other action shall be adopted or passed by fewer than three affirmative votes.

## **CHAPTER 5. Appointed Boards, Commissions and Officers**

### **Section 5-1. General.**

All members of appointed boards and commissions serving at the time this Charter shall take effect shall continue to serve until such time as the Town Clerk shall notify them that their successors have qualified.

A. From and after the adoption of this Charter, the Board shall make the following appointments:

1. An Economic Development Commission, a Water Pollution Control Authority, a Parks and Recreation Commission, a Commission on Senior Citizens, a Building Code Board of Appeals, Board of Library Directors and, an Inland Wetlands and Watercourses Commission;

2. Alternates for the Planning and Zoning Commission, the Zoning Board of Appeals, and the Inland Wetlands and Watercourses Commission;

3. Delegates to the Regional Planning Agency, the Health District Representative, the Municipal Agent for the Elderly, the Director of Emergency Management, the Fire Marshal and Assistant Fire Marshal, the Town Counsel, the Town Clerk, and the Tax Collector.

B. At any time, the Board may appoint such commissions as may be created pursuant to Section 4-3 of this Charter the members of which are to be appointed by the Board.

C. All members of such boards and commissions shall serve until their successors have been appointed and qualified. Members may be removed for cause by the Board.

### **Section 5-2. Appointment and Eligibility.**

No person shall be eligible for appointment to any town board or commission who is not, at the time of his appointment, an elector of the Town. Any person ceasing to be an elector of the Town shall thereupon forfeit his membership on said board or commission.

### **Section 5-3. General Powers and Procedures.**

Appointive boards and commissions shall have the powers and duties conferred or imposed by this Charter, by ordinance, or by the laws of the State. Boards and commissions shall make rules for the conduct of meetings and the execution of duties and shall choose a chairman and a secretary annually. The agenda and the minutes of all meetings shall be filed with the Town Clerk for public inspection. Members of appointive boards and commissions shall serve without compensation.

### **Section 5-4. Vacancies.**

The Board shall fill any vacancy on any appointive town board or commission within sixty days of such vacancy. Appointees shall serve for the unexpired portion of the term vacated.

### **Section 5-5. Economic Development Commission.**

The Board shall appoint an Economic Development Commission consisting of seven members who shall serve four-year terms, ~~except that of those first appointed under the provisions of this Charter, four shall be appointed for four-year terms and three shall be appointed for two-year terms. Biennially thereafter, t~~ The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms expire.

### **Section 5-6. Water Pollution Control Authority.**

The authority shall consist of seven members appointed by the Board who shall serve four-year terms, ~~except that of those first appointed under the provisions of this Charter, four shall be appointed for four-year terms and three shall be appointed for two-year terms. Biennially thereafter, t~~ The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms expire.

### **Section 5-7. Parks and Recreation Commission.**

The Board shall appoint a Parks and Recreation Commission consisting of seven members who shall serve four-year terms, ~~except that of those appointed under the provisions of this Charter, four shall be appointed for four-year terms and three shall be appointed for two-year terms. Biennially thereafter, t~~ The Board shall appoint members

in the manner provided herein for four-year terms to succeed members whose terms expire.

**Section 5-8. Commission on Senior Citizens.**

The Board shall appoint a Commission on Senior Citizens consisting of seven members for two-year terms.

**Section 5-9. Building Code Board of Appeals.**

The Board shall appoint a Building Code Board of Appeals consisting of five members for two-year terms.

**Section 5-10. Board of Library Directors.**

The Board shall appoint a Board of Library Directors consisting of nine members who shall serve four-year terms, ~~except that of those first appointed under the provisions of this Charter, five shall be appointed for four-year terms, and four shall be appointed for two-year terms. Biennially thereafter, t~~The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms shall expire.

**Section 5-11. Inland Wetlands and Watercourses Commission.**

The Board shall appoint an Inland Wetlands and Watercourses Commission consisting of seven members who shall serve four-year terms, ~~except that of those first appointed under the provisions of this Charter, four shall be appointed for four-year terms and three shall be appointed for two-year terms. Biennially thereafter, t~~The Board shall appoint members in the manner provided herein for four-year terms to succeed members whose terms expire.

**Section 5-12. Planning and Zoning Commission Alternates.**

The Board shall appoint three alternates to the Planning and Zoning Commission for two-year terms.

**Section 5-13. Zoning Board of Appeals Alternates.**

The Board shall appoint three alternates to the Zoning Board of Appeals for two-year terms.

#### **Section 5-14. Inland Wetlands and Watercourses Commission Alternates.**

The Board shall appoint three alternates to the Inland Wetlands and Watercourses Commission for two-year terms.

#### **Section 5-15. Regional Planning Agency Delegates.**

~~The Board shall appoint for two-year terms two representatives from the Town to the Regional Planning Agency, one from among the members of the Board and the other who must be a member or alternate member of the Planning and Zoning Commission.~~  
The delegates for the Regional Planning Agency shall be appointed in accordance with the General Statutes.

#### **Section 5-16. Health District Representative.**

The Board shall appoint a representative from the Town to serve on the regional Health District for a two-year term.

#### **Section 5-17. Municipal Agent for the Elderly.**

The Board shall appoint a Municipal Agent for the Elderly for a two-year term.

#### **Section 5-18. Director of Emergency Management.**

The Board shall appoint a Director of Emergency Management for a two-year term.

#### **Section 5-19. Fire Marshal and Assistant Fire Marshal.**

The Board shall designate a Fire Marshal and an Assistant Fire Marshal. They shall serve and may be removed in accordance with the laws of the State.

#### **Section 5-20. Town Counsel.**

The Board shall retain the legal services of a law firm to serve as Town Counsel. It shall appear for and protect the rights of the Town in actions, suits, or proceedings brought by or against the Town or any of its boards, commissions, departments, agencies, directors or officers. The counsel shall be the legal adviser to all town boards, commissions, departments, agencies, directors or officers in matters affecting the Town and shall upon request furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request, it shall prepare or approve

forms of contracts or other instruments to which the Town is a party or in which it has an interest. It shall have the power, with approval of the Board, to compromise or settle any claims by or against the Town and to appeal from orders, decisions, and judgments. Prior approval is required by the First Selectman in order to engage the Town Counsel on any inquiries into a request for services.

**Section 5-21. Town Clerk.** The Board shall appoint a Town Clerk.

**Section 5-22. Tax Collector.** The Board shall appoint a Tax Collector.

**Section 5-23. Assessor.** The Board shall appoint an Assessor.

**Section 5-24 (New). Finance Director.** The Board shall appoint a Finance Director.

## **CHAPTER 6. Administrative Officers and Departments**

### **Section 6-1. Administrative Departments.**

There shall be the following administrative officers and departments: a Town Clerk, a Town Treasurer, a Tax Collector, an Assessor, a Highway Department, a Parks and Recreation Department, a Building Department, a Library and such other administrative departments, agencies, and officers as may from time to time be created by the Board. Such departments shall, except as otherwise provided in this Charter, have the powers and duties prescribed by the laws of the State, by ordinance, or by resolution of the Board.

**Section 6-2. Compensation.** The Board shall determine the compensation for the First Selectman, ~~Town Clerk, Town Treasurer, Tax Collector, Assessor, and all directors and employees of the Town.~~ The First Selectman, in consultation with and with approval of the Board, shall determine the compensation for any paid, elected officials and all employees of the town not subject to a Collective Bargaining Agreement. ~~Compensation shall be determined by the Board in conformity with a pay plan for the positions involved.~~ No compensation shall be based upon any fees collected. Fees collected shall be paid to the town treasury.

**Section 6-3 (New). Compensation for Town Employees Subject to A Collective Bargaining Agreement.**

Compensation for town employees subject to a collective bargaining agreement shall be handled in accordance with the guidelines set forth within any collective bargaining agreement then in effect.

**CHAPTER 7. Finance and Taxation**

**Section 7-1. Fiscal Year.**

The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June of the next calendar year.

**Section 7-2. Preliminary Budget Estimate.**

It shall be the duty of the First Selectman to compile preliminary estimates for the annual budget. The head of each board, commission, department, agency, or office of the Town supported wholly or in part from town funds, or for which a specific town appropriation is made shall file with the First Selectman, on a date set by him and on forms provided by him, a detailed estimate of the expenditures to be made by that board, commission, department, agency, or office. He shall also estimate the revenue, other than tax revenues, to be collected thereby in the ensuing fiscal year. Such estimates shall be accompanied by a statement setting forth, in narrative or such form as the First Selectman may prescribe, a program or programs showing services, activities and work accomplished during the ensuing year.

**Section 7-3. Duties of the First Selectman on the Budget.**

The First Selectman shall present to the Board, on a date specified by them, a budget consisting of:

- A. a statement outlining the important features of the proposed budget plan;
- B. estimates of revenues, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts estimated to be collected during the current fiscal year, and the estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year;



C. itemized expenditures for each board, commission, department, agency, or office for the last completed fiscal year and total expenditures as estimated for the current fiscal year, the requests of the several boards and agencies for the ensuing fiscal year and the First Selectman's recommendations for the ensuing fiscal year for all items.

The First Selectman shall present reasons for all his recommendations.

As a part of the annual budget proposal or as a separate report attached thereto, the First Selectman shall present a program concerning proposed municipal capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter. The First Selectman shall recommend to the Board of Selectmen those projects to be undertaken in the ensuing fiscal year and a method for financing same.

#### **Section 7-4. Duties of the Board of Selectmen on the Budget.**

No later than the first Monday of March, the Board shall present the completed budget proposal as prepared by the First Selectman and including such alterations or changes as they deem necessary to the Board of Finance. The Board shall provide as a part thereof a clear general summary statement outlining the policies and priorities of the Town and describing the important features of the proposal, indicating any major changes from the current fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes.

#### **Section 7-5. Duties of the Board of Finance.**

Following receipt of the Town's budget proposal from the Board and the Board of Education's budget, ~~as approved by Town referendum proposal from the Chairman of the Board of Education,~~ the Board of Finance shall analyze ~~review~~ the Town's Budget Proposal and make changes it deems necessary. ~~same, and shall prepare the Annual Budget Proposal for the Annual Town Budget Meeting. Upon request, the department heads shall meet with the Board of Finance for the purpose of reviewing their proposed budgets. The Board of Finance is authorized to make changes to the town's budget proposal to fulfill its fiduciary responsibilities. The Board will have the ability to review the final proposed budget prior to the Annual Town Budget Meeting. Any concerns will~~

be discussed and reconciled between the Board and the Board of Finance prior to the Annual Town Budget Meeting.

The Board of Finance shall prepare the Annual Budget Proposal for the Annual Town Budget Meeting. The Board of Finance shall hold one or more public hearings at least ten days before the Annual Town Budget Meeting, at which any elector or taxpayer shall have an opportunity to be heard regarding the Annual Budget Proposal of the Town for the ensuing fiscal year.

At least five days prior to the aforementioned public hearing(s):

(a) sufficient copies of said budget proposals shall be made available for general distribution in the office of the Town Clerk; and, (b) the Board of Finance shall cause to be published in a newspaper having substantial circulation in the Town, a notice of such public hearing.

Following the holding of such public hearing(s), the Board of Finance shall make such revisions in the proposed budget as it deems desirable and shall recommend the same to the Annual Town Budget Meeting. The Annual Town Budget Meeting shall be held on the first Tuesday in June. At least five days prior to the Annual Town Budget Meeting:

(a) sufficient copies of said budget proposal shall be made available for general distribution in the office of the Town Clerk; and, (b) the Board of Finance shall cause to be published in a newspaper having substantial circulation in the Town a notice of such Annual Town Budget Meeting and a summary of the budget showing revenues by major sources and proposed expenditures by function or office.

The annual budget shall become effective when and as approved by a majority of those present and voting at the Annual Budget Meeting. No appropriation shall be made exceeding that recommended by the Board of Finance for the same purpose and no appropriation shall be made for any purpose not recommended. By a majority of those present and voting at such meeting, an amount of money less than that recommended may be appropriated.

An official copy of the Annual Budget as approved shall be filed by the Board of Finance with the Town Clerk within one week following such approval. Should the Annual Town

Budget Meeting disapprove the budget, a second Town Budget Meeting shall be called fourteen days thereafter. In the event that the second Annual Town Budget Meeting disapproves the budget, subsequent Town Budget Meetings shall be called at seven day intervals until a budget is approved. Publication in the newspaper of subsequent budget proposals shall not be required.

Upon approval of the Town Budget, the Board of Finance shall, within five days, fix the tax rate in mills which shall be levied on the taxable property in the Town for the ensuing fiscal year. Should the Board of Finance fail to fix the rate within the time required, the rate shall be fixed by the Board within ten days of approval of the Town Budget.

#### **Section 7-6. Contingency Expense Line Item.**

The budget proposal submitted by the Board of Finance and the approval of the Annual Town Budget Meeting may include a recommendation for a contingency expense line item which shall not exceed one (1) percent of the total expenditures for the current fiscal year. No expenditures or transfers may be made from any such contingency expense line item without the approval of the Board of Finance.

#### **Section 7-7. ~~Municipal Reserve Fund~~ Reserves.**

A. Municipal Reserve Fund. Upon the recommendation of the Board of Finance and the approval of the Annual Town Budget Meeting, a Municipal Reserve Fund for capital and nonrecurring expenses shall be established and used in accordance with the General Statutes. ~~Upon the recommendation of the Board of Finance and the approval of the Annual Town Budget Meeting, t~~ There shall be paid into the Municipal Reserve Fund:

- (1) moneys, as determined by the Board of Finance, transferred thereto from the ~~general fund~~ cash surplus available at the end of any fiscal year as a result of actual expenses being less than budgeted;
- (2) moneys budgeted and approved at the Annual Town Budget Meeting to be added to the Municipal Reserve Account;

(23) moneys raised by annual levy of a tax not to exceed two mills for the benefit of such fund, and for no other purpose, such tax to be levied and collected in the same manner and at the same time as the regular taxes of the Town;

All such moneys so accumulated together with the interest which may accrue thereon shall be deposited in a separate bank account by the treasurer and shall be used for the purposes of and in a manner recommended by the Board and approved by the Board of Finance and the Town Meeting.

All or any portion of the Municipal Reserve Fund may be used to finance the planning, construction, reconstruction, acquisition of any specific item or equipment of such category, character, or nature as not to be a purpose or object for which an appropriation is customarily made annually. Such appropriations may be made only upon the recommendation of the Board and with the approval of the Board of Finance, and, if the appropriation ~~exceeds~~ increases ~~.1% of the annual budget by more than .1%,~~ with the approval of a duly called Town Meeting. The Town Meeting may decrease the designated amount(s) but may not increase the amount(s). The Town Meeting may make no special appropriation or transfer of funds not recommended by the Board and approved by the Board of Finance. Upon such approval of any project or acquisition, an appropriation shall be set up, plainly designated for the specific project or acquisition for which it was approved, and such unexpended appropriation may continue, subject to limitations hereinafter stated, until such project or acquisition is completed. Any unexpended portion of the appropriation remaining after completion shall revert to the Municipal Reserve Fund. Any appropriation set up to be drawn from the Municipal Reserve Fund may at any time subsequent to the effective date of this establishment, upon recommendation of the Board of Selectmen and approval of the Board of Finance, be terminated. If no expenditure from or encumbrance of any such appropriation has been made within a period of three fiscal years following the effective date of such appropriation, that appropriation shall be terminated. The fiscal year in which such appropriation was authorized shall be deemed the first fiscal year of the three-year period.

The Board of Finance, the Town Meeting, and any Town official(s) who may be concerned with the operation of this fund shall have any and all powers as provided in Chapter 108 of the General Statutes.

B. Named Reserves (New). Upon the recommendation of the Board of Finance and the approval at the Annual Town Budget Meeting, specific Named Reserve Fund(s) for anticipated expenditures for capital and nonrecurring expenses may be established. The purpose of each Named Reserve Fund shall be to reduce drastic increases and decreases in requests for capital or nonrecurring expenditure funding. There shall be paid into specific Named Reserved Funds:

- (1) moneys, as determined by the Board of Finance, transferred thereto from the cash surplus available at the end of any fiscal year as a result of actual expenses being less than budgeted;
- (2) moneys budgeted and approved at the Annual Town Budget Meeting to be added to the Named Reserve Fund;
- (3) moneys, as determined by the Board of Finance, from the capital budget of the department that will incur the anticipated future expenditure.

The Board of Finance is authorized to transfer moneys from a Named Reserve Fund to either the General Fund, the Municipal Reserve Fund, or another Named Reserve Fund so long as the moneys transferred are not restricted and the Board of Finance determines that the moneys were no longer needed in the transferor account. The Board of Finance is authorized to close out a Named Reserve Fund it deems no longer needed and transfer any moneys therein to either the General Fund, the Municipal Reserve Fund, or another Named Reserved Fund.

#### **Section 7-8. Expenditures and Accounting.**

No purchase of products, services and/or consultants, shall be made except upon the preapproval of the First Selectman or his authorized agents. Such purchases shall be made under such rules and regulations as may be established by the Board.

No voucher, claim or charge against the Town shall be paid until the same has been examined by the First Selectman and approved by him for correctness and legality.

Checks shall be drawn for the payment of approved claims which shall be valid when signed by the First Selectman and countersigned by the Town Treasurer. In the absence or inability to act of either the First Selectman or the Town Treasurer with respect to the above duty, another Selectman is authorized to substitute temporarily for either but not both of them.

No board, commission, department, agency, officer, or employee of the Town shall be authorized to involve the Town in any obligation to spend money for any purposes in excess of their approved budget ~~the amount appropriated in the line item to which said expenditure shall be charged~~ until the matter has been approved by the Board of Finance. Each order drawn upon the Town shall state the appropriation against which it is to be charged.

~~When any board, commission, agency, department, or officer intends to transfer funds set apart for one specific purpose to another, before incurring any expenditure, it shall make application to the Board whose duty it shall be to examine the matter. Upon approval of the Board such transfer may be made.~~

Upon recommendation of the Board, additional appropriations over and above the total budget may be made from time to time by the Board of Finance after a determination by them that there is available an unassigned and unencumbered general cash balance to meet such appropriation.

Any appropriation, in addition to the budget, of more than .1% of the annual budget shall become effective only after approval by the Board of Finance and passage at a Town Meeting, except that transfers from the Contingency Expense Line Item, ~~and the~~ Municipal Reserve Fund and Named Reserve Funds may be made by the Board of Finance upon the recommendation of the Treasurer.

All expenditures exceeding an amount to be determined by a Town Meeting shall be subject to competitive bidding. The Board, with input from the Board of Finance, will exercise primary responsibility for ~~formulation of~~ maintaining policy relative to requirements for quotes, bids, and other criteria to control purchasing and purchase orders.

For the purposes of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the cumulative total amount of which shall not exceed five percent of the current tax levy in that fiscal year, may be made.

Any payment made in violation of this ~~chapter~~ Charter shall be deemed illegal and every official authorizing or making such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so paid or received. Any appointive officer or employee of the Town who knowingly incurs any obligation or authorizes or makes any expenditure in violation of the provisions of this Charter or takes any part therein, may be removed for cause.

#### **Section 7-9. Contributions.**

The Town shall make no contributions to any organization or private corporation except as herein provided. All contributions will be deliberated with due consideration given to financial statements of target agencies and corporations submitted in support of the request for funds, and all approved contributions will be listed as an integral part of the Town's Annual Budget.

#### **Section 7-10. Auditors.**

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 General Statutes.

#### **Section 7-11. Fiscal Officer.**

The Chairman of the Board of Finance shall be designated as the chief fiscal officer of the Town.

### **CHAPTER 8. Town Meeting**

#### **Section 8-1. Legislative Powers.**

The legislative power of the Town shall be vested in the town meeting. Members of the town meeting shall be electors of the Town and all others entitled, pursuant to the laws of the State, to vote at a town meeting.

### **Section 8-2. Annual Town Meeting.**

The Annual Town Meeting shall be held on the fourth Monday of January of each year to accept the Annual Report and to transact any other business properly coming before the town meeting. It may be adjourned from time to time as the interest of the Town may require.

The Annual Report shall be made available to the public ten days prior to such meeting.

### **Section 8-3. Special Town Meeting.**

Special town meetings may be called by the Board at its discretion and when required under the terms of this Charter and in the manner provided by the laws of the State. Ten days' notice of which shall be given by publication in a newspaper having a substantial circulation in the Town.

### **Section 8-4. Procedure.**

All town meetings shall be called to order by the First Selectman or, in his absence, as provided in Section 4-2 of this Charter. A moderator shall be elected and all business conducted in the manner provided by the laws of the State, except as otherwise provided in this Charter. The Town Clerk shall serve as clerk of all town meetings but in the Town Clerk's absence, an acting clerk may be designated by the moderator. Town meetings should be held at a time of day which would encourage the greatest participation of the public whenever possible.

Legal notice and the text of any proposed ordinance shall be posted in the Town Clerk's office and public place or places as the Board shall prescribe.

### **Section 8-5. Annual Town Budget Meeting.**

The Annual Town Budget Meeting for the consideration of the budget shall be convened in accordance with this Charter and shall be held on the first Tuesday in June. A moderator shall be elected and all business conducted in the manner provided by this Charter and the laws of the State. The Town Clerk shall serve as clerk of the Annual Town Budget Meeting, but in the Town Clerk's absence an acting clerk may be designated by the moderator.



### **Section 8-6. Actions Requiring a Town Meeting.**

The Board shall call a town meeting for consideration of any of the following actions:

- A. adoption of a town budget;
- B. any resolution appropriating more than .1% in excess of the annual budget ~~in addition to the budget for any purpose~~;
- C. any resolution authorizing the issuance of bonds and all other forms of financing, the terms of which exceed one year;
- D. real estate purchases by the Town;
- E. any sale or transfer of real property or any interest therein of the Town except property acquired by tax foreclosure;
- F. real estate leases or lease options to which the Town is a party for terms in excess of three years;
- G. adoption of town ordinances;
- H. such matters or proposals as may be required by the provisions of this Charter, or as the Board, in its discretion, shall deem to be of sufficient importance to warrant town meeting consideration.

Any such action shall become effective only after it has been approved by a majority of those present and voting at such meeting.

### **Section 8-7. Town Meeting by Petition.**

A petition may be filed with the Town Clerk and signed by no fewer than fifty electors of the Town petitioning for warning and convening of a town meeting. Said petition shall be in accordance with the provisions of the laws of the State and contain the matter or text of the proposal to be considered at said town meeting. The Town Clerk shall within ten days determine whether or not the petition contains the required number of valid signatures, and if it does, shall so certify to the Board within said ten days. Said petition may propose consideration of any matter proper to come before a town meeting except a resolution on:

- (1) appointing or removing officials;
- (2) specifying the compensation or hours of work of officials and employees;

- (3) adopting the annual budget;
- (4) authorizing the levy of taxes; or,
- (5) fixing the tax rate.

Upon receipt of such certification from the Town Clerk, the Board shall within thirty days convene a town meeting, duly warned, which meeting may be adjourned from time to time as the interest of the Town requires.

At any time prior to the date of the meeting, the petitioner may withdraw the petition. At said town meeting, the only matters that may be considered shall be those matters set forth in said petition.

Any proposal made in such petition shall be examined by the Town Counsel prior to the town meeting; and prior to or at the town meeting the Town Counsel shall give his opinion to the Board, orally or in writing, with respect to the form of the proposal and its conformity to and relationship with existing constitutions, statutes, special acts, this Charter, ordinances and regulations.

## **CHAPTER 9. Town Employees**

### **Section 9-1. Town Employees.**

For the purposes of this Charter, employee of the Town shall mean a person hired to any position except the following: elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions; other officers appointed by the Board; persons contracted in a professional capacity to make or conduct temporary and special inquiry, study or investigation; and persons contracted for a temporary period.

**Section 9-2. Job Classification Statements; and Salaries Town Employees Subject to a Collective Bargaining Agreement.** The First Selectman shall ~~prepare~~establish a statement of the duties, and responsibilities, ~~of and compensation for each position and~~ the minimum qualifications for appointment to each position, as well as the compensation as set in accordance with Sections 6-2 and 6-3. ~~These statements shall become effective upon approval by resolution of the Board.~~ New or additional positions may be created or existing positions abolished. Upon recommendation of the First

Selectman, changes in duties and responsibilities of existing positions may be made ~~by resolutions of the Board~~.

The First Selectman shall ensure that all personnel and policy issues regarding an employee who is a member of an employee organization, as defined in General Statutes Section 7-467 (6), is handled in accordance with the guidelines set forth within any collective bargaining agreement then in effect. For purposes of Chapter 113 of the General Statutes, as amended, the First Selectman shall have the sole authority to recognize the exclusive bargaining agent for any unit of town employees and shall act as the bargaining agent for the Town in consultation with the Board.

**Section 9-3 (New). Town Employees Not Subject to a Collective Bargaining Agreement.**

Any town employee who is not hired pursuant to a collective bargaining agreement shall be subject to the personnel and policy guidelines set forth as follows in Sections 9-4 through 9-6.

**Section 9-39-4. Personnel Policy.**

All Town employees shall be hired or promoted on the basis of merit and in conformity with recognized principles of public personnel administration. The merit system shall be administered under the supervision of the First Selectman.

**Section 9-49-5. Personnel Rules.**

The First Selectman shall prepare a set of personnel rules providing, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absences, removals and such other rules as may be necessary to provide adequate and systematic procedure for the administration of the personnel affairs of the Town. Such rules and such other rules as may be necessary shall become effective upon approval by resolution of the Board. Copies of such rules and any amendments thereto shall be distributed to all employees.

### **Section 9-59-6. Performance Review.**

The First Selectman, or his designee, shall, at least annually, review the performance of each employee of the Town who has been employed six months or more and shall place a copy thereof in the personnel file of each such employee.

## **CHAPTER 10. Conflict of Interest, Code of Ethics, Transition and Miscellaneous Provisions**

### **Section 10-1. Conflict of Interest.**

Any elected or appointed officer of any board or commission, who has a financial or personal interest, direct or indirect, in any contract, transaction or decision of the board or commission upon which such person serves, shall disclose such interest to such board or commission for recording upon its official records and any such person shall be thereby disqualified from participation in the awarding, assignment or deliberation of any such contract, transaction, or decision.

No Selectman or former Selectman elected after the effective date of this Charter may be appointed to any compensated position with the Town for a period of one year following his last day in office.

### **Section 10-2. Code of Ethics.**

~~Within one year of the Town's acceptance of this Charter, the Board shall recommend to the legislative body of the Town a proposed ordinance comprising~~ The Board shall appoint an Ethics Commission and shall maintain and periodically review a Code of Ethics to govern the conduct of elected and appointed officers, directors, employees, and board and commission members of the Town.

### **Section 10-3. Transition.**

Unless otherwise provided, each incumbent member of a board, commission or agency as of the effective date hereof shall continue to hold the office or position to which elected or appointed until succeeded by a duly qualified person. If such person is not so succeeded, he shall serve no longer than the remainder of his unexpired term.

The Town Clerk shall notify in writing the members of elective and appointive bodies that their successors have qualified as soon as such determinations are made.

Officers of elective bodies shall be chosen at the first meeting of such body held after the commencement of the term of members elected at a regular biennial town election.

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

Powers and duties imposed by whatever source on boards, commissions and agencies in existence before the effective date of this Charter shall continue to reside in each such body unless it is abolished or superseded by a newly created body, in which event they shall cease or be thereafter exercised and discharged by said new body. The Town Clerk shall promptly notify in writing the members of such bodies that successors have qualified.

Upon the qualification of a successor board, commission or agency, all records, property and equipment whatsoever of such superseded body shall be transferred and delivered intact to the successor body.

In the event of abolishment, such body, whether elective or appointive, shall continue to perform its duties until provisions have been made for the performance by other bodies or offices of the Town. Records, property and equipment of abolished bodies shall be transferred and delivered to the First Selectman.

#### **Section 10-5. Status of Present Employees.**

All employees of the Town on the effective date of this Charter shall retain such positions pending action by the Board or the appropriate officer charged by this Charter with powers of appointment and removal. 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, appointments, ranks, grades, tenure of office, promotions, removals, 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 to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter. Any employee holding a position as defined in this Charter on its effective date, shall be retained without preliminary or performance tests but shall thereafter be subject in all respects to the provisions of the Charter.

**Section 10-6. 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 commission, board, department or officer 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 that functions, powers and duties of any commission, board, department or officer which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another commission, board, department or the officer to which such functions, powers and duties have been assigned or transferred by or under this Charter.

**Section 10-7. Saving Clause.**

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.

**Section 10-8. Charter Amendment.**

This Charter may be amended in the manner prescribed by Chapter 99 in the General Statutes as amended from time to time. Any amendments to this Charter shall be incorporated with the dates of their adoption.

**Section 10-9. Effective Date.**

This Charter shall become effective thirty days after ratification by the electors of the Town to be held in the manner prescribed by the General Statutes of the State.