

Burlington, Connecticut Town Charter

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BURLINGTON TOWN CHARTER EFFECTIVE DECEMBER 6, 2012

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" "his" etc. shall not be literally interpreted and the terms "she" "her" etc. 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	Column 2
Total Membership	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 Offices. 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 until the next regular town election. At 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 Selectmen. Commencing with the November 2013 election, a First Selectman and four members of the Board shall be elected, all for terms of 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 him as a member of such 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, 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 the following officers:

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 FOUR- BOARD OF SELECTMEN

Section 4-1. Board of Selectmen. There shall be a Board of Selectmen consisting of five members. No Selectman 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, 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, 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, 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, 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, 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.

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.

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.

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. 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.

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 on the Budget. Following receipt of the budget proposal from the Board and the budget proposal from the Chairman of the Board of Education, the Board of Finance shall review the same, and 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. Upon the recommendation of the Board of Finance and the approval of the Annual Town Budget Meeting, a Municipal Reserve Fund for capital and recurring 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, there shall be paid into the Municipal Reserve Fund:

- (1) moneys transferred thereto from the general fund cash surplus available at the end of any fiscal year;
- (2) 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 .1% of the annual budget 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.

Section 7-8. Expenditures and Accounting. No purchase shall be made except upon the approval 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 purpose in excess of 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 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 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 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% 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 and Salaries. The First Selectman shall prepare a statement of the duties and responsibilities of and compensation for each position and the minimum qualifications for appointment to each position. 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.

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.

Section 9-3. 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 9-4. 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 9-5. 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 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.