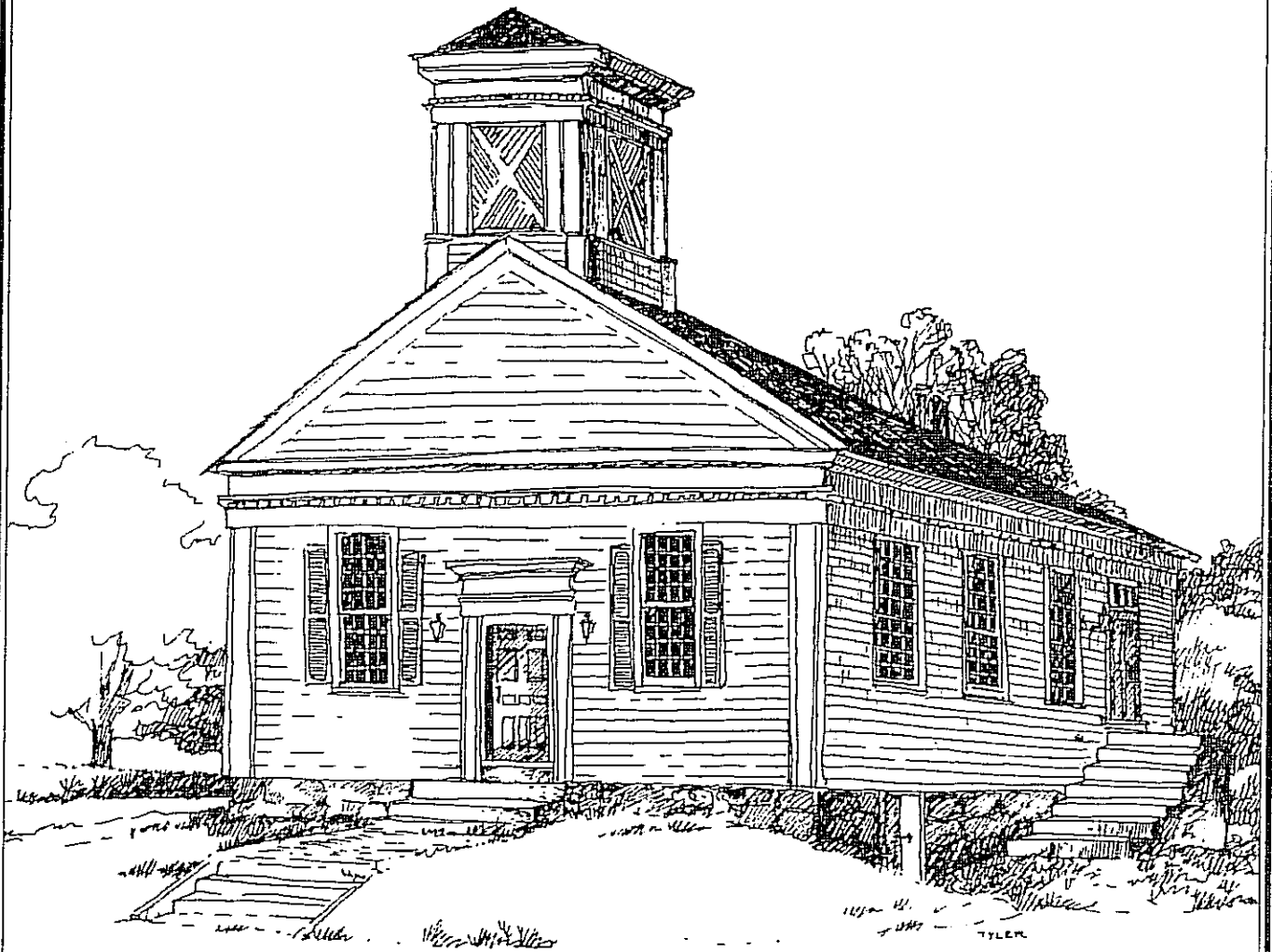


# Town of Hebron



Old Town Hall

## Town Charter

Approved November 8, 1988

Amended November 5, 1996

Amended November 4, 2003

Amended November 3, 2009

# **TOWN CHARTER**

**TOWN OF HEBRON, CONNECTICUT**

**APPROVED NOVEMBER 8, 1988**

**IMPLEMENTED NOVEMBER 21, 1989**

**CHARTER AMENDMENTS**

**APPROVED NOVEMBER 5, 1996**

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# TOWN OF HEBRON, CONNECTICUT

## TOWN CHARTER

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## **Chapter I. INCORPORATION AND GENERAL POWERS**

### **Section 101. Incorporation**

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

### **Section 102. Rights and Obligations**

All property, both real and personal, all rights of action and rights of every description and all securities and liens in said Town as of the effective date of this Charter are continued. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. The Town shall continue to be liable for its debts and obligations. If any contract has been entered into by said Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of said Town, which contains provisions that the same may be enforced by any office or agency therein named which is hereby abolished or superseded by the creation herein of a new commission, board, agency or office to which are granted similar powers and jurisdiction, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any office or agency, shall, except as otherwise provided in this Charter, hereinafter be exercised and discharged by the chief executive officer of said Town.

### **Section 103. General Grant of Power**

In addition to all of the powers granted to Towns under the Constitution and General Statutes of the State of Connecticut, or which may hereafter be conferred, the Town shall have all powers specifically granted by this Charter and all of the powers fairly implied in or incidental to the powers expressly granted, all powers conferred by the General Statutes, as amended, and by special acts of the General Assembly, not inconsistent with this Charter, and 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 Government or any branch thereof, or any other body politic or corporate not expressly forbidden by the Constitution or General Statutes of the State of Connecticut. The enumeration of particular powers in this and any chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

**Section 104. Effect of The Charter**

This Charter shall be the organic law of the Town in the administration of local affairs. Special acts, ordinances, bylaws, rules, regulations and resolutions inconsistent with this Charter and superseded by it shall have no further force and effect after the effective date of this Charter. Other special acts affecting the Town and all ordinances, bylaws, rules, regulations and resolutions duly adopted and in force before the effective date of this Charter shall remain in full force and effect.

**Section 105. Definitions**

Whenever used in the context of this Charter, the following words and phrases shall have the following meanings:

- A. ***Town Agency*** shall mean all of the elected and appointed boards, agencies, commissions, authorities and committees of the Town, including the local Board of Education;
- B. ***Supplemental Appropriation*** shall mean an appropriation that is in addition to the total amount of the budget at any given point in time. It is not a transfer within or between departments;
- C. ***Department*** shall mean a unit of administration for budgetary purposes. There need not be a director of a department;
- D. ***Town Officer*** means a member of a Town Agency as defined in "A." above, those officers and employees enumerated in Section 702, and all elected officials;
- E. ***Connecticut General Statutes (C.G.S.)*** or ***General Statutes*** shall mean the Connecticut General Statutes, Revision of 1958 as the same may be revised from time to time;
- F. ***Selectmen*** (plural) shall mean the Board of Selectmen;
- G. ***Masculine gender*** shall include the feminine and the feminine shall include the masculine;
- H. ***Singular*** shall include the plural and the plural shall include the singular unless the context otherwise requires;
- I. ***Day*** shall mean a calendar day unless otherwise specified in the Town Charter.

## Chapter II. ELECTIONS

### Section 201. General

Nomination and election of federal and state officials and of such Town officers and Town Agencies as are provided for in this Charter, shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therein, in the manner prescribed by law.

### Section 202. Federal and State Officers

Nominations and elections of federal and state officers, Registrars of Voters and Justices of the Peace shall be conducted as prescribed in the Connecticut General Statutes.

- A. At the regular state election held on November 8, 1992 and every four (4) years thereafter, there shall be elected two (2) Registrars of Voters, whose terms of office shall commence on the Wednesday after the first Monday in January following their election.
- B. Justices of the Peace shall be selected in the manner prescribed for in the General Statutes and by Town Ordinance.

### Section 203. Town Officers - General Election

- A. At the biennial Town election held on November 7, 1989 and every four (4) years thereafter, there shall be elected a Town Clerk, whose term of office shall commence on the Wednesday after the first Monday in January following the Town election.
- B. At the biennial town election held on November 7, 1989 and every four (4) years thereafter, there shall be elected members to the following Town Agencies for the terms specified herein. Except as otherwise provided in this Charter, such Town Agencies shall have powers and duties as are provided in the Connecticut General Statutes. Electors may vote for, and each political party may nominate, as many candidates as there are available seats to be filled on the following Town Agencies, specifically including the Board of Assessment Appeals and the Board of Education provided, however, that the minority representation requirements of C.G.S. § 9-204b shall apply to the Board of Education:
  - 1. A Board of Selectmen consisting of five (5) members which members shall serve four (4) year overlapping terms. Whenever the number of members to be elected is even, each political party may nominate no more than three members.
  - 2. A Board of Finance, consisting of six (6) members, each of whom shall serve four (4) year overlapping terms;

3. A Board of Assessment Appeals, consisting of three (3) members, each of whom shall serve four (4) year overlapping terms;
  4. A Planning and Zoning Commission consisting of five (5) members and three (3) alternates, each of whom shall serve four (4) year overlapping terms;
  5. A Zoning Board of Appeals consisting of five (5) members and three (3) alternates, each of whom shall serve four (4) year overlapping terms;
  6. A Board of Education, hereinafter referred to as the "Local Board", consisting of seven (7) members, each of whom shall serve four (4) year overlapping terms;
- D. All terms of office, except as otherwise provided in this Charter, shall commence on the second Tuesday following the Town election. Elected Town officers shall hold office until their successors have been chosen and qualified.
- E. Elected officials, other than members of the Board of Selectmen, shall receive such compensation as may be approved in the annual budget. Reimbursement of expenses incurred by elected officials in performing official duties shall be authorized by the Board of Finance and subject to any appropriation in the annual budget. All fees collected by elected officials shall be remitted to the general fund.

**Section 204. The Regional Board of Education**

Members of the Regional Board of Education shall be elected in the same manner as other Town officers. Said members shall serve four (4) year overlapping terms, commencing December 1<sup>st</sup> of the year in which elected. The Town shall elect members of the Regional District #8 Board of Education in the manner provided for by C.G.S. § 10-46 (a) and (c) as amended from time to time.

**Section 205. Eligibility**

No person shall be eligible for election to any Town office who is not at the time of his election, an elector of said Town. Any person ceasing to be an elector of said Town shall thereupon cease to hold elective office in the Town. The resulting vacancy shall be filled pursuant to Section 208.

**Section 206. Minority Representation**

- A. Minority representation on any Town Agency, as defined in Section 105 B of this Charter, shall be determined in accordance with the provisions of C.G.S. § 9-167a.
- B. Minority representation on the Regional Board of Education shall be determined pursuant to C.G.S. § 10-46 (c).

**Section 207. Breaking a Tie**

When any municipal election conducted pursuant to the provisions of this Charter results in a tie, with the consent of the tied candidates, the tie may be broken by the single toss of a coin by a third party agreeable to tied candidates. Otherwise, when any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of C.G.S. § 9-332 to determine who shall be elected, or in the case of a question at referendum whether it shall be accepted or rejected. The provisions of this section shall not apply to questions at referendum under which the provisions of this Charter or the General Statutes require a minimum number of electors voting in favor of such questions for approval.

**Section 208. Vacancies - Elective Office**

- A. Any vacancy, from whatever cause arising in any elective office, or Town Agency shall be filled in accordance with this Section 208 as soon as practicable following the date of notice to the Town Clerk and acceptance of any resignation or the determination by the Board of Selectmen of such vacancy. Any such appointment shall be made by vote of the Board of Selectmen and shall be for the unexpired portion of the term.
- B. In filling vacancies, the Board of Selectmen shall notify the political parties of vacancies in elective offices. The Board of Selectmen shall solicit nominations for such vacancies from the political parties as well as from the general public. All nominations shall be made within thirty five (35) days after notification from the Board of Selectmen. If no nominations are received or minority representation problems arise, the Board of Selectmen may choose to leave the position open until such time as a qualified candidate surfaces. The Board of Selectmen in filling vacancies shall have the final authority in deciding whom to appoint to fill any vacancy.

**Section 209. Voting Districts**

There shall continue to be one (1) voting district as existed on the effective date of this Charter. The Board of Selectmen shall have the authority to create additional voting districts as the needs of the Town may require, subject to the approval of the Town Meeting.

**Section 210. Board of Admission for Electors**

The Town Clerk, or any assistants, and the Registrars of Voter, or any deputies, shall constitute the Board of Admission for Electors in accordance with applicable General Statutes.

**Chapter III. THE TOWN MEETING**

**Section 301. General**

The Town Meeting shall have authority for final approval of those actions of the Town as hereinafter enumerated, and when considering such actions said meeting shall be deemed to be the legislative body of the Town. The Town Meeting shall also have legislative authority for all other matters not specifically enumerated hereinafter or enumerated in Section 402. All persons deemed to be eligible to vote in Town Meetings as prescribed in the General Statutes shall be eligible to vote in Town Meetings called pursuant to this Charter. Said voters shall be eligible to vote in special referenda called pursuant to this Charter. No Town Meeting shall be called except pursuant to Section 303, 304 and 305 of this Charter.

**Section 302. Town Meeting Procedure**

- A. All Town Meetings shall be called pursuant to C.G.S. § 7-3 by resolution of the Board of Selectmen, fixing the time and place of said meeting, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a general circulation in the Town, and by posting a notice in a public place. All Town Meetings shall be called to order by the moderator selected to moderate said Town Meeting and all business shall be conducted pursuant to Section 306 of this Charter. The Town Clerk shall serve as clerk of all Town Meetings, but in the absence of the Town Clerk, the moderator shall appoint a clerk of the meeting. Any Town Meeting may be recessed from time to time as the interests of the Town may require, and the moderator may entertain a motion to recess such meeting.
- B. All actions taken at Town Meetings shall be by a majority vote of those present and qualified to vote providing that a quorum is present equal to at least twenty five (25) of the electors of the Town as determined from the latest official list of the Registrars of Voters. Immediately upon calling the meeting to order, the moderator shall ascertain if a quorum is in attendance. If a quorum is present the meeting shall proceed. If a quorum is not present, the moderator shall recess the meeting to the same day of the next following week.

If a quorum is present at the recessed meeting, the meeting shall proceed. If a quorum is not present at the subsequent Town Meeting, all matters on the call of the Town Meeting shall revert to the Board of Selectmen who shall have final authority over such matters, which shall be accomplished in accordance with Section 803 of this Charter.

Town Meeting votes shall be by paper ballot if voted by more than twenty percent (20%) of those present and qualified to vote.

**Section 303. Annual Town Budget Referendum**

The Annual Town Budget Referendum for the consideration of the budget shall be held on the first Tuesday after the first Monday of May in each year.

**Section 304. Special Town Meetings**

Special Town Meetings shall be called by the Board of Selectmen and shall follow Section 302 of this Charter for consideration of the following:

- A. The issuance of bonds and all other forms of financing, the terms of which are in excess of one (1) year;
- B. Any supplemental appropriation which exceeds the one half of one percent (0.005) of the current year's Town Budget limit set forth in Section 805 B, excluding any bonds or notes issued subject to 810 D;
- C. The acquisition or disposition of the fee title to real estate by the Town;
- D. The creation, consolidation, modification or abolition of any permanent Town Agency or department not otherwise provided for in this Charter, provided however, any newly created Town Agency or department shall come under the provisions contained in this Charter;
- E. Leases and lease options to which the Town, including the local Board of Education, is a party which involve a term or obligation in excess of one (1) year, excluding leases of personal property;
- F. Any appropriation from the capital and non-recurring expense fund, not included in the annual budget, which exceeds one tenth of one percent (0.001) of the current year's Town Budget;
- G. The application for or participation in any federal, state or private grant program in excess of one tenth of one and one half percent (0.0015) of the current year's Town Budget, excluding the local and regional Board of Education, which participation shall require the Town to contribute any cash or provide any in-kind participation to enter into any such grant programs;
- H. The discontinuance or abandonment of Town roads;

- I. Such other matters or proposals as the Selectmen, in their discretion, shall deem of sufficient importance to be submitted to a Special Town Meeting, including recommendations by the Selectmen for the adoption, modification or repeal of any ordinance.

**Section 305. Petitioned Town Meetings**

- A. Two (2) percent of the electors of the Town, as determined by the latest official registry lists of the Registrars of Voters may, at any time, petition over their signature for a Special Town Meeting concerning such matters provided for in Section 304 C (except to the extent that acquisition by purchase is contemplated by the petition), Section 304 D and Section 304 H of this Charter. Any such proposal may be examined by the Town Attorney before being submitted to a Special Town Meeting. He shall be authorized to correct the proposal for repetitions, illegalities and unconstitutional provisions, but he may not materially change its meaning or intent.
- B. The Town Clerk shall, within seven (7) days of the receipt of the petition, report to the Selectmen whether the petition yields sufficient valid signatures. If sufficient valid signatures are not found, the Clerk shall so notify the Selectmen who shall declare the petition invalid. If sufficient signatures are found, the Selectmen shall call a Special Town Meeting within thirty (30) days of such certification. The same procedures and requirements shall govern Petitioned Town Meetings as govern Special Town Meetings.

**Section 306. Panel of Moderators**

- A. There shall be a panel of Town Moderators, consisting of not more than four (4) members, no more than two (2) of whom shall be members of the same political party. The Panel of Moderators shall be appointed by the Board of Selectmen for a two (2) year term beginning on the first day of December of each Town election year. Each moderator shall be an elector of the Town and shall have a working knowledge of Robert's Rules of Order as well as Chapter III of the Hebron Town Charter. Following their appointment, the Moderators shall meet to draft a common set of procedures to be used at all Town Meetings, using Robert's Rules of Order as a guideline. Periodically, the Panel of Moderators shall meet to discuss, and as necessary, revise, add or delete provisions to the Town Meeting procedures.
- B. Not less than five (5) days prior to any Town Meeting, the Board of Selectmen shall appoint one of the members of the Panel of Moderators to preside as moderator of the forthcoming Town Meeting and one to serve as an alternate moderator. The Selectmen shall exercise reasonable care in the selection of the moderators to avoid any conflict of interest. Prior to the Town Meeting the moderators may meet with the Selectmen to discuss procedures and conduct of the upcoming meeting. The Board of Selectmen shall appoint members of the Panel of Moderators on a rotational basis so that each shall act as moderator as nearly equal a number of times as possible.

## Chapter IV. BOARD OF SELECTMEN

### Section 401. Number of Selectmen

There shall be a Board of Selectmen consisting of five (5) members. The members shall serve without compensation except for the reimbursement of expenses incurred in the performance of official duties. No more than three (3) members of such Board shall be members of the same political party.

### Section 402. General Powers and Duties

The Board of Selectmen shall have the powers and duties which, at the effective date of this Charter, were conferred by the Constitution and general laws of the State on Boards of Selectmen and shall have such additional powers as shall enable them:

- A. To enact and amend ordinances not inconsistent with this Charter or the General Statutes of the State and to repeal ordinances or amendments adopted under this section;
- B. To recommend to the Town Meeting the creation, consolidation, modification or abolition of Town Agencies and departments of the Town, provided that any such Town Agency or department created, consolidated, modified or abolished shall be bound by the provisions of this Charter;
- C. In adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed in book form, or any portion thereof, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be filed two copies of such code, rules or regulations in the office of the Town Clerk for inspection and copying by the public at reasonable hours in lieu of publication in any newspaper;
- D. By resolution to regulate the internal procedure of agencies;
- E. To fix the charges, if any, to be made for services rendered by the Town;
- F. To compile the Annual Town Report;
- G. To accept roads on behalf of the Town, provided that any road so accepted (1) complies with planning and zoning regulations, (2) is certified by the Town Engineer as having been constructed in accordance with Town standards and (3) that proper deeds, which have been approved by the Town Attorney, are in the hands of the Board of Selectmen. Once acceptance is given, the Town Clerk shall be provided with a copy of the resolution accepting any road(s) and the deed(s) for inclusion with the land records of the Town;
- H. To make such appointments to local and regional agencies as are provided by law subject to the limitations of this Charter and any ordinances of the Town;

- I. To acquire or dispose of any interest in real estate by the Town less than a fee title;
- J. To lease personal property; and
- K. To authorize, apply for, accept and appropriate the proceeds from federal, state and other grants in aid or bequests for any Town purpose. All grant applications must be approved by the Board of Selectmen prior to submission.

**Section 403. Procedure**

At its first meeting, following each biennial Town Election, the Board of Selectmen shall fix a time and place of its regular meetings and provide a method for the calling of special meetings. At this meeting, the Board of Selectmen shall choose one of its members to be the Chairman. Nothing shall prohibit the Chairman from being a full voting and participating member of the Board of Selectmen. Also at this meeting, a Vice-Chairman shall be chosen who shall act in the absence or temporary disability of the Chairman. The Board of Selectmen shall, by resolution, determine its own rules of procedure, except that each Selectman shall be able to make a motion or offer a proposal which shall be considered by the Board of Selectmen without the necessity of a seconding motion. All meetings of the Board of Selectmen for the transaction of business shall be open to the public, except that the Board of Selectmen may stand in executive session whenever otherwise permitted or required by law. The votes of each member shall be recorded at the session at which they occur and reported in the minutes of such meeting. The majority of the entire Board of Selectmen shall constitute a quorum, and no ordinance, resolution, or action except a vote to adjourn or fix the time and place of the next meeting shall be adopted by less than a majority of the entire Board of Selectmen.

**Section 404. Public Hearing on and Publication of Ordinances**

At least one public hearing, notice of which shall be given at least five (5) business days in advance by publication in a newspaper having a general circulation in the Town and by posting a notice in a public place, shall be held by the Board of Selectmen before any ordinance shall be passed by them.

Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a book to be kept for that purpose which shall be properly indexed and available for inspection and copying by the public during reasonable hours. Within ten (10) days after final passage, the text of each ordinance shall be published in summary form in a newspaper having circulation within the Town. Nothing herein shall prohibit the periodic codification or recodification of existing Town ordinances.

Every ordinance, unless it shall specify a later date, shall become effective on the twenty first (21) day after such publication following its final passage except if overruled as provided in Section 409 of this Charter.

**Section 405. Public Emergencies**

Whenever a public emergency exists or threatens to arise involving or threatening the lives, health, or property of the inhabitants of the Town or property of the Town, the Town Manager or his designee with the consent of the Chairman of the Board of Selectmen may declare a public emergency and shall have the power to mobilize, organize, and direct the forces of the Town and to call upon the forces of the Federal Government, the State of Connecticut and other political subdivisions. The Town Manager, or in his absence, the Chairman of the Board of Selectmen may summon, marshal, deputize or otherwise employ other persons to do whatever may be deemed necessary for the purpose of meeting the emergency. Spending to meet said public emergency shall be pursuant to Section 809 of this Charter. Emergency ordinances shall be enacted pursuant to Section 406 of this Charter.

**Section 406. Emergency Ordinances**

An ordinance adopted by the Board of Selectmen as a public emergency measure and stating the facts constituting such public emergency shall become effective immediately and shall be published in a newspaper having a general circulation in the Town and by posting a notice in a public place as soon as possible thereafter. No public hearing or notice of public hearing shall be required for any public emergency ordinance.

Every such emergency ordinance, unless repealed at an earlier time, including any amendment thereto, shall automatically stand repealed at the termination of the sixty first (61) day following passage of said ordinance, except that if the emergency continues the Board of Selectmen may continue said ordinance for an additional period not to exceed sixty (60) days.

**Section 407. Coordination**

The Board of Selectmen shall coordinate through the Town Manager the activities and operations of the Town government and from time to time may convene joint meetings of Town agencies for such purposes, and from time to time may require such reports or information to be submitted by the agencies as the Board of Selectmen may deem necessary for such purposes.

**Section 408. Oath of Officers**

The Selectmen shall forthwith, after the election or appointment of any Town officers of whom an oath is required by law, cause them to be sworn to a faithful discharge of their respective duties by the Town Clerk. Notice of election or appointment shall be in written form indicating if the oath is needed, as well as the time and the location of the next regularly scheduled meeting of the appropriate group.

**Section 409. Power of Overrule-Ordinances Adopted by the Board of Selectmen**

All actions of the Board of Selectmen on ordinances, except emergency ordinances, shall be subject to overrule at a special referendum in the following manner:

- A. A petition must be filed within twenty (20) days after final action by the Board of Selectmen. Two (2) percent of the electors of the Town, as determined by the latest official registry lists of the Registrars of Voters, may file with the Town Clerk a petition, signed in ink or indelible pencil, requesting that such ordinance be submitted to the voters of the Town for special referendum.
- B. The Town Clerk shall, within seven (7) days of receipt of said petition, certify to the Selectmen as to whether the petition yielded sufficient valid signatures. If sufficient valid signatures are not found, the Clerk shall so inform the Selectmen who shall declare the petition invalid and the ordinance shall take effect on the following Monday. If sufficient valid signatures are found, the effective date of the ordinance shall be set aside and the Selectmen shall call a special referendum to be held within thirty (30) days of the certification of the petition.
- C. The ordinance shall stand approved unless a majority of those voting shall have voted in favor of overruling such ordinance, providing however that at least ten (10) percent of the voters of the Town shall have voted on the matter. Any ordinance not so overruled shall take effect on the day following the referendum.

**Section 410. Removal for Cause**

Any member of an appointed Town board may be removed by the Board of Selectmen by an affirmative vote of three (3) members of said Board as provided herein:

- A. The Board of Selectmen shall adopt a resolution to remove such member. The Board of Selectmen shall forthwith serve said member with a written statement, by certified mail, to the last address of record, stating why the person should be removed from office.
- B. The member to be removed shall be given, within fifteen (15) days of such written notice, an opportunity for a hearing before the Board of Selectmen, at which hearing said member may appear with counsel. Any member requesting a hearing shall not be removed until such hearing has been held. The hearing shall be public at the option of the member.
- C. The final decision with respect to such removal shall be made not later than fifteen (15) days following the close of said hearing. The decision of the Board of Selectmen in removing a member shall be final.

## **Section 411. Removal for Failure to Serve**

Any member of an appointed Town Agency who, without good cause and timely notification to the Chairman or Vice Chairman of the agency of the reasons for nonattendance, either fails to attend at least two-thirds of the regularly scheduled meetings of such agency during any twelve (12) consecutive months or fails to attend three (3) consecutive regularly scheduled meetings of the agency shall be deemed to have resigned his office. It shall be the duty of the Chairman of the agency (or, in his absence or disability or where the Chairman's attendance is the concern, the Vice Chairman) to inform the Board of Selectmen of the vacancy; provided, however, that the failure to inform the Board of Selectmen of the vacancy as required by this Section 411 shall not affect such Town Agency member's deemed resignation. Any such vacancy shall be filled pursuant to Section 603 of this Charter.

## **Chapter V. THE TOWN MANAGER**

### **Section 501. General**

- A. The Town Manager shall be appointed by the Board of Selectmen after having been chosen exclusively on the basis of technical and administrative qualifications, character, education, training and experience. He shall be the Chief Executive and Chief Administrative Officer of the Town. The appointment of the Town Manager shall require at least four (4) affirmative votes and it shall require at least four (4) affirmative votes to remove the Town Manager from office. The Town Manager shall not be required to reside in Town during his term of employment.

The Town Manager shall be responsible to the Board of Selectmen for the administration of all departments and agencies of the Town government except the local Board of Education and Town agencies whose head or whose members are elected by popular vote.

He shall have the power to supervise, direct and control the operation of all departments and agencies under his jurisdiction. The Town Manager may designate one of the Administrative Officers to act on his behalf during any period of temporary absence or unavailability. The Town Manager shall have the right to attend all public meetings of the Board of Selectmen with full right to participate in all discussions but without the right to vote.

- B. The Town Manager may be removed by an affirmative vote of at least four (4) members of the Board of Selectmen, as herein provided. At least thirty (30) days before the proposed removal of the Town Manager, the Board of Selectmen shall adopt a resolution which shall state its intention to remove the Town Manager from office and the reasons for the removal. A copy of the resolution shall be served on the Town Manager within twenty four (24) hours of the passage of the resolution. Upon the passage of the resolution to remove the Town Manager from office, the Board of Selectmen may suspend the Town Manager from duty, provided the salary of the Town Manager shall continue until his removal from office. The Town Manager may, within ten (10) days, request a public hearing in which event the Town Manager shall not be removed until the public hearing has been held. At the public hearing, the Town Manager may be

represented by legal counsel. At the conclusion of the public hearing, the Board of Selectmen shall take final action on the removal of the Town Manager. Any action by the Board of Selectmen in removing the Town Manager shall be final. Upon suspension, removal or resignation of the Town Manager, the Board of Selectmen may appoint an Interim Town Manager, who shall serve at the pleasure of the Board of Selectmen for a period not to exceed ninety (90) days. In the event a permanent Town Manager has not been appointed within the ninety (90) day period, the Board of Selectmen is empowered to extend appointment of the Interim Town Manager for increments of thirty (30) days or until a permanent Town Manager has been appointed. The Interim Town Manager shall not have the powers of permanent appointment or removal of full time employees, that are conferred on the Town Manager by this Charter, without the confirmation of the Board of Selectmen.

### **Section 502. Duties**

Except as otherwise provided by this Charter, the Town Manager shall have all the powers, duties and responsibilities conferred by law. In addition, he shall have all of the powers necessary or incidental to the discharge of his duties as set forth in this Charter.

- A. He shall be responsible to the Board of Selectmen for the administration of all Town matters;
- B. He shall be responsible for coordinating the administration of the departments, offices and agencies of the Town including all town employees as provided in Chapter IX TOWN EMPLOYEES of this Charter;
- C. He shall be responsible for carrying out the ordinances, resolutions, policies, and other actions of the Board of Selectmen and of the Town Meeting;
- D. He shall be responsible for making a continuous review of the current and future needs of the Town, and in connection therewith, he may require reports and information to be submitted by any agency of the Town;
- E. He shall periodically review all insurance coverage carried by the Town, including the local Board of Education, and shall recommend to the Board of Selectmen adjustments and improvements in such coverage;
- F. He shall keep the Board of Selectmen informed of state and federal grant programs for which the Town may be eligible and shall assist the Board in applying for and implementing same;
- G. He shall purchase, or cause to be purchased, subject to such rules and regulations as may be adopted by the Selectmen, all supplies, materials, equipment and other commodities required by any office, board, agency or commission, including the local Board of Education, to the extent said board shall authorize him;

- H. He may recommend to the Board of Selectmen such measures as he shall deem necessary or expedient, and shall keep the Board of Selectmen fully advised as to the financial condition of the Town;
- I. He shall exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen, not inconsistent with this Charter;
- J. The Town Manager may, in lieu of any appointment to any office under his jurisdiction and subject to the approval of the Board of Selectmen, enter into contracts for the performance of services, or perform duties of any office under his jurisdiction.

**Chapter VI. APPOINTED OFFICERS, BOARDS, COMMISSIONS,  
COMMITTEES, AUTHORITIES AND AGENCIES**

**Section 601. General**

The members of boards, commissions, committees, authorities and agencies specified in this chapter, hereinafter referred to as "Town Boards", shall be appointed by the Board of Selectmen. Said Town Boards shall have such powers and duties as are prescribed for such by the General Statutes, except as otherwise specifically provided by this Charter.

**Section 602. Eligibility**

Except as otherwise provided herein, all members of Town Boards shall be electors of the Town and shall have such other qualifications as the Board of Selectmen may provide. Except as otherwise provided by vote of the Board of Selectmen, no member of any Town Board shall hold any other office in Town government. Members of Town Boards shall serve without compensation, except that just and ordinary expenses incurred by said members in the performance of their duties may be reimbursed, provided that such an appropriation has been authorized for that purpose.

**Section 603. Vacancies**

Any vacancy on any Town Board, irrespective of cause, shall be filled as soon as practical after the acceptance of any resignation or the determination of said vacancy by the Board of Selectmen, by vote of the Selectmen for the unexpired portion of said term. In filling vacancies, the Selectmen shall notify the political parties of any vacancy in writing. The political parties shall have thirty-five (35) days within which to suggest in writing or electronic means persons to fill such vacancy. The Board of Selectmen shall have the final authority for filling vacancies.

**Section 604. Minority Representation**

Minority representation shall be determined in accordance with the provisions of C.G.S. § 9-167a.

**Section 605. Terms of Office**

The terms of all Town Board members shall commence on the first Monday in December, except as otherwise provided in this Charter. All Town Board members shall continue in office until their successors have been duly appointed and have qualified.

**Section 606. Appointed Town Boards**

There shall be the following appointed Town Boards:

- A. A *Conservation Commission and Inland Wetlands Agency* consisting of seven (7) members, each of whom shall serve four (4) year overlapping terms.
- B. A *Water Pollution Control Authority* consisting of five (5) members, each of whom shall serve four (4) year overlapping terms.
- C. A *Housing Authority* consisting of five (5) members, each of whom shall serve four (4) year overlapping terms.
- D. A *Parks and Recreation Commission* consisting of seven (7) members, each of whom shall serve four (4) year overlapping terms.
- E. A *Commission on Aging* consisting of () seven (7) members, each of whom shall serve four (4) year overlapping terms.
- F. An *Economic Development Commission* consisting of five (5) members, each of whom shall serve four (4) year overlapping terms.
- G. A *Tricentennial Commission* consisting of a maximum of thirteen (13) members, each of whom shall serve four (4) year overlapping terms.
- H. A *Historic Properties Commission* consisting of five (5) regular members and three (3) alternate members, each of whom shall serve four (4) year overlapping terms.
- I. Such other Town Boards as may be established by ordinance, whose function, composition and terms of members shall be prescribed in the establishing ordinance.

**Section 607. Alternates**

The Board of Selectmen may, by ordinance, provide for the appointment of alternates to the appointed boards delineated in Section 606 when deemed necessary.

**Section 608. Rules of Procedure**

Each appointed Town Board shall, by resolution, determine its own rules of procedure, provided that all regular and special meetings shall be held in accordance with the applicable provisions of the General Statutes. Such rules of procedure shall be filed with the Office of the Town Clerk and with the Board of Selectmen. Amendments to rules of procedures may be made at any meeting, providing that such amendments are properly on the call of the meeting.

**Chapter VII. ADMINISTRATIVE OFFICERS**

**Section 701. General**

The Town Manager shall appoint, and may remove, subject to the confirmation of the Board of Selectmen, the administrative officers provided for in Section 702 and 703. Said officers shall have powers and duties as are provided for such by the General Statutes, except as otherwise provided by this Charter.

All officers shall receive such compensation as determined by the Board of Selectmen, subject to inclusion in the annual budget. The terms of all such officers, except as otherwise provided in the Charter, shall be set by the Board of Selectmen. Unless otherwise provided by the Selectmen, officers need not be residents of the Town.

The Town Manager, subject to the confirmation of the Board of Selectmen, may combine any of the positions provided for in Section 702, provided that in combining positions, an appointee is qualified to perform such assigned functions.

**Section 702. Administrative Officers**

There shall be the following Town administrative positions:

- A. Animal Control Officer
- B. Assessor
- C. Building Official
- D. Director of Health

- E. Director of Planning and Development
- F. Director of Public Works
- G. Emergency Management Director
- H. Finance Director who shall have the following powers and duties together with such powers and duties as the Town Manager and the Board of Selectmen shall confer upon him:
  - 1. He shall be the Town Treasurer and the agent of all Town funds and, except as otherwise provided by this Charter, shall have all the powers and duties prescribed for Town Treasurers by the General Statutes. He shall prepare cash flow analyses and shall be responsible for the investment of all Town funds;
  - 2. He shall be responsible for the keeping and maintaining all Town accounts showing financial transactions of all departments and agencies of the Town, including the local Board of Education;
  - 3. He shall prepare the financial reports and submit the same to the Town Manager;
  - 4. He shall assist the Town Manager in the preparation of the annual Town Budget;
  - 5. He shall be responsible for the monthly reconciliation of all bank accounts and shall, subject to the approval of the Board of Selectmen, establish procedures for the purpose of internal auditing;
  - 6. He shall maintain records of all fixed assets of the Town.
- I. Fire Chief
- J. Fire Marshal
- K. Library Director
- L. Municipal Agent for the Aging
- M. Parks and Recreation Director
- N. Police Service. The Town Manager may utilize the services of the resident state trooper program supplemented with local police officers or constables or organize a local police department by ordinance.
- O. Revenue Collector
- P. Sanitarian

- Q. Town Attorney who shall be an attorney-at-law or a firm of attorneys-at-law admitted to practice in this State, who shall serve for a two (2) year term of office commencing on the second Tuesday following the Town election. He shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any officers, employees or agencies in all matters affecting the Town. He shall, upon written request of the Town Manager or Board of Selectmen, provide a written opinion to any official of the Town on any question of law involving their respective powers and duties. He shall, upon request of the Town Manager or the Board of Selectmen, prepare or approve forms or contracts or other instruments to which the Town is a party. He shall have the power, with the approval of the Board of Selectmen, to compromise and settle all claims by or against the Town. Upon request of the Selectmen he shall attend Town Meetings. Nothing in this section shall prevent the Selectmen from retaining Special Counsel when the needs of the Town so require. In actions brought against the Town which fall within the coverage of a liability insurance policy, the insurer will appoint counsel.
- R. Town Engineer. The Town Manager may appoint a Town Engineer or may retain the services of a professional engineer licensed in the State of Connecticut to assist in matters of engineering, road and drainage matters and such other matters as they may determine.
- S. Tree Warden
- T. Wetlands Enforcement Officer
- U. Zoning Enforcement Officer

**Section 703. Additional Administrative Officers and Employees**

The Town Manager, subject to the approval of the Board of Selectmen, may appoint such additional administrative officers and employees as the needs of the Town require, subject to budgetary appropriations.

**Chapter VIII. FINANCE AND TAXATION**

**Section 801. Fiscal Year**

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

**Section 802. Duties on the Budget**

- A. During the first two weeks of December, the Board of Finance shall confer with the Board of Selectmen and the Board of Education to discuss the goals and objectives for the upcoming budget. The Board of Finance may suggest a target increase for expenditures for both the General Government and Board of Education budgets; however, the target increases shall not be binding with respect to budget submittals.

- B. Agency and Department Heads. At least one-hundred fifty (150) days before the end of the fiscal year, the head of each department, office or agency of the Town, supported wholly or in part by Town funds, except the Regional Board of Education, shall file with the Town Manager a detailed estimate of expenditures to be made by that department, office or agency and the revenues, other than property taxes, to be collected thereby in the ensuing fiscal year. Such estimates shall be accompanied by a statement setting forth the services, activities and work accomplished during the current year and planned for accomplishment for the ensuing fiscal year.
- C. Duties of the Town Manager. The Town Manager, with the assistance of the Finance Director, shall review the budget estimates with the heads of all Town supported departments, offices and agencies. Upon completion of the review and not later than one-hundred twenty days (120) days prior to the end of the fiscal year, the Town Manager shall present to the Board of Selectmen and the Board of Finance a proposed budget. In preparing the proposed budget, the Town Manager may add to, delete from or eliminate requests made by the various departments, offices and agencies except that he may only comment and make recommendations on the budget requests of elected officials and the local Board of Education. The Town Manager shall include in the budget the estimated budget request of the Regional School District No. 8.

The proposed budget shall include:

1. A budget message describing the important features of the proposed Town budget indicating major changes from the current fiscal year, expenditures and revenues, together with the reasons for such changes and containing a summary of the budget contents.
2. Revenues, presenting in parallel columns, the itemized revenues collected in the last completed fiscal year, the current year budget estimates, estimated revenues to be collected during the current fiscal year and estimated revenues to be collected in the ensuing fiscal year.
3. Expenditures, presenting in at least five (5) parallel columns, the actual expenditures for each department, office or Town Agency supported wholly or in part by Town funds, including the local Board of Education and Regional School District No. 8., for the last completed fiscal year, the original current budget allocations, the estimated expenditures to be incurred during the current fiscal year, the request of each agency, office and department and recommendations of the amounts to be appropriated for the ensuing fiscal year by department. Additional budget detail shall be in a form approved by the Board of Selectmen. Nothing shall prohibit the inclusion of additional information in the budget document as may be deemed necessary.
4. A budget recommendation for those capital projects to be undertaken during the ensuing fiscal year and the method of financing those projects.

5. The Town Manager shall also include in his budget message a program, with due regard to the Town of Hebron Plan of Conservation and Development , a proposed capital improvement plan for the next five (5) fiscal years following the next ensuing fiscal year, together with an estimate of the cost and the method of financing capital improvement plans.

6. At the time the Town Manager presents his budget to the Board of Selectmen and Board of Finance, a budget summary with absolute dollar amount, percent change, and budget details shall be made available to the taxpayers along with the budget review meeting schedule for the Board of Selectmen/Board of Finance budget meetings. The summary budget information shall also be provided in a press release in a newspaper with general circulation.

- D. Duties of the Board of Selectmen. The Board of Selectmen shall consider the budget estimates as submitted by the Town Manager and shall make such further revisions as the Board deems desirable, except that the Board may only make recommendations in the budgets prepared by other elected officers, elected Town agencies and the local Board of Education. Budget appropriations shall be at the department or general purpose level. The Board of Selectmen shall include in the budget the latest estimated budget of Regional School District No. 8.

The Board of Selectmen shall invite the Board of Finance to jointly review the budget. A quorum of the Board of Finance is not required. The Board of Selectmen shall submit its budget recommendations to the Board of Finance no later than ninety (90) days before the end of the fiscal year.

- E. Duties of the Board of Finance. The Board of Finance shall meet and prepare the revenue projections for the upcoming fiscal year revenue budget including the Capital Improvement Plan Budget. The Board of Finance may review budget requests with the Board of Selectmen and the Board of Education. Budget appropriations shall be at the department or general purpose level. Subsequent to such review, the Board of Finance shall prepare a budget that incorporates a recommended expenditure level for the General Government and Board of Education budgets. The Board of Selectmen and Board of Education shall make specific changes in their respective budgets as will bring them into conformity with the expenditure levels recommended by the Board of Finance. The Board of Finance shall hold a public hearing on their recommended budget not later than the third Tuesday in April. Within one week after the public hearing, the Board of Finance shall prepare a budget at the total expenditure levels recommended by the Board of Finance for vote by the Annual Budget Referendum.

### **Section 803. The Annual Town Budget Referendum**

- A. The Town Budget and Capital Improvement Plan Budget shall be acted upon by a machine vote of all those persons qualified to vote, such machine vote to be conducted on the first Tuesday after the first Monday in May.

- B. If the budget is rejected by machine vote, the Board of Finance shall review the rejected budget, as the same may be revised, and present the same or revised budget to a subsequent machine vote to be held two weeks later. It is the intent that rejected budgets, as they may be revised, will be brought back every two weeks for machine vote until the budget is passed.
- C. The Board of Finance shall meet to set the mill rate by June 15<sup>th</sup>, but if a budget has not been adopted by that date, then the Board of Finance shall meet to set the mill rate on the day following the adoption of the budget. In the event that the budget is not adopted by June 30<sup>th</sup>, the Board of Finance may set an interim mill rate equal to the mill rate of the preceding year, except in a revaluation year when the interim mill rate will be calculated based upon generating the same amount of tax revenue as the previous year. Once the budget is adopted and a mill rate set, any adjustments from the interim mill rate will be made in accordance with the direction of the Board of Finance.

#### **Section 804. Expenditures Before the Adoption of the Budget**

In the event that a budget has not been adopted by July 1 in any year, the Board of Finance may authorize expenditures and provide for the raising of necessary revenues pursuant to the provisions of C.G.S. § 7-405.

#### **Section 805. Supplemental Appropriations**

- A. Duties of the Board of Selectmen. In the event that a department or Town Agency shall require a supplemental appropriation, such requests shall be made in writing to the Town Manager. The Town Manager shall forward, with any comments or recommendations that he might have, said request to the Board of Selectmen. The Selectmen shall examine the request and shall, except for requests from the local Board of Education, have the power to approve or deny the request. If the Board shall approve the request, it shall submit said request to the Board of Finance with its recommendations. Any request from the local Board of Education shall be forwarded forthwith to the Board of Finance, except that the Board of Selectmen may comment on the request.
- B. Duties of the Board of Finance. Within thirty (30) days of receipt of a request for a supplemental appropriation, the Board of Finance may hold a public hearing on the request after which it shall either approve or deny the request. The Board of Finance shall be empowered to make supplemental appropriations up to and including an amount that cumulatively is equal to one-half of one percent (.005) of the current year's budget, excluding the amount appropriated to the Regional School district. All subsequent supplemental appropriations approved by the Board of Finance which exceed the cumulative one-half of one percent (.005) of the current year's budget, excluding the amount appropriated for the Regional School District, shall be submitted to a Special Town Meeting pursuant to the provisions of Section 304 B of this Charter.

C. Source of Funding. Funding for supplemental appropriations may be provided from the following sources:

1. Any available fund balance;
2. Borrowing, provided that an amount so borrowed shall be repaid from the budget of the next ensuing fiscal year.
3. Proceeds of federal or state grants, gifts, bequests and the like.

**Section 806. Expenditures and Accounting**

A. No purchase shall be made by any agency except through the Town Manager or his designee. All purchasing shall be conducted according to purchasing policies adopted by the Board of Selectmen. This section shall not apply to the local Board of Education.

B. No voucher, claim or charge against the Town shall be paid until the same has been approved for correctness and validity by the department head or the person involved in said purchase and approved by the Finance Director or his designee. Checks for payment of approved claims shall be signed by the Finance Director and countersigned by the Financial Administrator. In the absence or inability to act of either the Finance Director or the Financial Administrator, the Town Manager or the Chairman of the Board of Selectmen shall act for the Finance Director or the Financial Administrator, but not both.

**C. Intradepartmental Transfer of Funds**

1. When an agency, excluding the local Board of Education, shall desire to transfer funds within its appropriation from the funds set apart for one purpose to another, such agency shall file a request with the Town Manager. The Town Manager shall examine the matter and shall have the power to approve requests up to and including a cumulative amount of \$2,000 for any one department, office or agency in any fiscal year.

2. Any amounts over the \$2,000 limit and up to and including a limit of \$10,000 shall be reviewed by the Town Manager and forwarded to the Board of Selectmen, who shall have the power to approve or deny such requests.

3. All requests which exceed the cumulative limit of \$10,000 shall be reviewed by the Town Manager and then the Board of Selectmen who shall forward such requests to the Board of Finance who shall have the power to approve or deny such requests.

4. All transfers shall be reported in writing to the Board of Finance and the Board of Selectmen on a monthly basis.

**D. Interdepartmental Transfer of Funds**

The Town Manager through the Board of Selectmen may request, but only within the last three (3) months of the fiscal year, that the Board of Finance transfer any unencumbered appropriation, balance or portion thereof, from one department, office or agency to another. The Board of Selectmen shall provide to the Board of Finance a statement certifying that the balance to be transferred is available for transfer from the department, office or agency from which such transfer is being made. Interdepartmental transfers shall be guided by Generally Accepted Accounting Principles (GAAP). This section shall not affect the local Board of Education which shall have the power to make its own transfers provided that such transfers are reported to the Board of Finance when so made.

**E. Illegal Payments**

Every payment made in violation of this Charter shall be deemed illegal and every official authorizing or making any such payment or taking part therein and every person knowingly receiving such payment or any part thereof, shall be jointly and severally liable to the Town for the full amount so paid or received. Any officer or employee who knowingly violates the provisions of this Charter shall be subject to disciplinary action up to and including termination.

**Section 807. Purchasing**

The Board of Selectmen, in consultation with the Board of Finance, shall be empowered to establish purchasing procedures to be followed by all Town departments, boards, agencies, except the local Board of Education.

**Section 808. Reserve Fund for Capital and Non-Recurring Expenditures**

There shall continue to be a reserve Fund for Capital and Non-Recurring Expenditures as the same existed on the effective date of this Charter.

**Section 809. Emergency Appropriations**

For the purpose of meeting a public emergency threatening the lives, health or property of the Town, its businesses or citizens, the Town Manager or in his absence the Chairman of the Board of Selectmen, shall be empowered to receive, coordinate, and facilitate a request for emergency appropriations. Said appropriations shall not exceed \$25,000 for any one occurrence and shall be acted upon by the Board of Selectmen. In the absence of sufficient general fund resources to meet such appropriations, additional means of financing may be provided in such manner as is consistent with the provisions of the General Statutes, as may be determined by the Board of Selectmen in consultation with the Board of Finance.

**Section 810. Borrowing**

- A. The Town shall have the power to incur indebtedness by issuing its notes or bonds as provided by the General Statutes and subject to the provisions of this Charter.
- B. The Board of Selectmen may, by resolution, recommend to the Board of Finance that the Town issue its bonds or notes for such specific purposes as the Selectmen shall deem to be in the best interests of the Town.
- C. The issuance of bonds and notes totaling up to but not exceeding ten (10) percent of the current year's tax levy for any single purpose in any one fiscal year may, after public hearing and approval of the Board of Finance, be authorized by vote of the Town Meeting pursuant to Chapter III. of this Charter.
- D. Any resolution approved by the Board of Finance authorizing the issuance of bonds or notes equal to ten (10) percent or more of the current year's tax levy shall be submitted for approval or rejection to a referendum vote at a regular or special election. The resolution shall stand approved if so voted by a majority of those voting thereon, provided that at least ten (10) percent of those electors (as defined in C.G.S. § 9-1) qualified to vote thereon shall have voted on the issue.

**Section 811. Annual Audit**

The Board of Finance shall annually designate an independent certified public accountant or firm of independent certified accountants to audit the books and accounts of the Town in accordance with C.G.S. § 7-391 through Section 7-397 inclusive.

**Section 812. Tax Bills**

The Revenue Collector shall cause to be mailed to each taxpayer a tax bill and shall collect such taxes in accordance with the provisions of the General Statutes, except that such taxes, together with interest, penalties and lien fees thereon, shall be deposited within four (4) business days of collection. Taxes shall be due and payable in such installments as shall be fixed by ordinance. The Revenue Collector shall prepare and submit such reports to the Town Manager, Finance Director or Board of Selectmen as may be prescribed.

**Chapter IX. TOWN EMPLOYEES**

**Section 901. General**

The Town Manager shall prepare Personnel Policies and Procedures for personnel administration which he shall review annually. Such Personnel Policies and Procedures, shall be subject to review and approval of the Board of Selectmen at least once every four (4) years or

more frequently as necessary. Said Personnel Policies and Procedures shall cover all employees of the Town, but shall not affect the following: elected officials and persons appointed to fill vacancies in elective offices; members of boards and commissions; employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study or investigation; and those under contract.

#### **Section 902. Job Description**

The Town Manager, subject to the approval of the Board of Selectmen, shall prepare a statement of the duties and responsibilities of each position covered by the Personnel Policies and Procedures and of the minimum qualifications for appointment to such position.

#### **Section 903. Personnel Policies and Procedures**

The Personnel Policies and Procedures shall provide, 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 procedures for the administration of the personnel affairs of the Town. Such rules and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen and filed with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all Town employees.

#### **Section 904. Salaries**

The Town Manager shall submit a proposed pay plan for those employees covered under Section 901 of this Charter to the Board of Selectmen, which pay plan shall take effect upon adoption by resolution of the Board of Selectmen. Said pay plan shall be reviewed annually and amendments may be adopted by the Board of Selectmen from time to time upon recommendation of the Town Manager. For purpose of C.G.S. § 7-467 *et seq.*, as amended, the Town Manager shall have sole authority to recognize the exclusive bargaining agent for any unit of Town employees and shall act as the bargaining agent for the Town. Such contracts shall become effective upon approval by the Board of Selectmen.

#### **Section 905. Retirement**

The Town shall provide a system of retirement benefits for regular full-time employees. The Town may operate its own retirement plan, may enter into a contract with any financial institution authorized to do business in this state, may elect to participate in the Connecticut Municipal Employees Retirement Plan, may elect to participate in the old age and survivor insurance system under the Federal Social Security Act or may choose any combination thereof.

## **Section 906. Official Bonds**

All officers and employees as may be required to do so by the Board of Selectmen shall, before assuming their respective official duties, execute to the Town, in the form prescribed by the Board of Selectmen and approved by the Town Attorney, and filed with the Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Selectmen, conditioned upon the honest and faithful performance of such duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

## **Chapter X. MISCELLANEOUS PROVISIONS**

### **Section 1001. Transfer of Powers**

The powers which are conferred and the duties which are imposed upon any commission, board, agency, department or office under the General Statutes or any ordinance or regulation in force at the time this Charter shall take effect, if such commission, board, agency, department or office is abolished by this Charter or superseded by the creation herein of a new commission, board, agency, or office to which are granted similar powers and jurisdiction, shall be thereafter exercised and discharged by the commission, board, agency, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter.

All commissions, boards, agencies, departments or offices abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provisions have been made for the discontinuance of such commissions, boards, agencies, departments or offices and the performance of their duties by other commissions, boards, agencies, departments or offices created under this Charter.

### **Section 1002. Present Employees to Retain Positions**

All employees of the Town on the effective date of this Charter whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Board of Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any provisions of law in force at the time that 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 employees of the Town as defined in Chapter IX. of this Charter on its effective date shall be retained without preliminary or performance tests and shall thereafter be subject in all respects to the provisions of the Charter.

### **Section 1003. Conflicts of Interest**

Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence, and all forms of impropriety so that confidence of the public is not eroded.

Any elected or appointed officer, any member of any board, authority or commission, or any employee of the Town who has financial interest direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any board, authority or commission, shall disclose that interest to the Board of Selectmen for recording upon their official records and any such person shall be thereby disqualified from participation in the awarding, assigning or discussing of any contract, transaction, or decision.

### **Section 1004. Transfer of Records and Property**

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

### **Section 1005. Continuation of Appropriations and Town Funds**

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

### **Section 1006. Legal Proceedings**

No action or proceedings, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any commission, board, authority, department or office 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, authority, department or office which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another commission, board, authority, department or the officer to which such functions, powers and duties have been assigned or transferred by or under this Charter.

**Section 1007. Existing Laws and Ordinances**

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

**Section 1008. Review and Amendment of Charter**

The Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the Town, but at least once every five (5) years, said review to be filed with the Town Clerk, who shall publish notice of receipt of said report. Amendments to this Charter shall be in accordance with C.G.S. Chapter 99, as the same may be from time to time amended.

**Section 1009. 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 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 1010. Resignations**

Any elected or appointed member of any board, agency, commission or similar body, who wishes to resign from office, shall do so in writing to the Town Clerk with a copy forwarded to the Chairman of the Board of Selectmen and the Chairman of said agency or similar body. Said resignation shall become effective upon acceptance by a vote of the Board of Selectmen. Resignation by the Town Clerk shall be filed with the Chairman of the Board of Selectmen. Vacancies shall be filled in accordance with Sections 208 and 603.

**Section 1011. Effective Date**

This Charter shall become effective upon the approval of a majority of the electors voting at a regular election on November 3, 2009 in accordance with the provisions of C.G.S. § 7-191, as amended, provided, however, no provision of this Charter shall be implemented until November 17, 2009.

**Section 1012. Transition - Appointed Boards, Agencies, Commissions and Committees**

Except as otherwise provided in this Charter, appointed officials serving a specific term on the effective date of this Charter shall continue to serve until the expiration of the term, unless the office or position is abolished. As terms expire or are vacated, the Selectmen may, as necessary make appointments for a short term in order to achieve the regular rotation of appointments so as to provide that members of appointed boards serve four (4) year overlapping terms.

**Section 1013. Notification Procedure for Public Hearing, Town Meeting and Annual Budget Referendum**

Notice for Public Hearing, Town Meeting, and Annual Town Budget Referendum shall be given at least five (5) business days in advance by publication in a newspaper having a general circulation in the Town and by posting a notice in a public place, unless otherwise governed by State Statute.

