

**TOWN OF GRANBY
CHARTER REVISION COMMISSION
AGENDA – Amended 3/28/23**

**MEETING ROOM
GRANBY TOWN HALL**

**REGULAR MEETING
Wednesday, March 29, 2023
TIME: 6:00 P.M.**

-
- 1. CALL MEETING TO ORDER**
 - 2. PUBLIC INPUT**
 - 3. ADOPTION OF MINUTES OF PREVIOUS MEETINGS**

BE IT RESOLVED, that the Granby Town Charter Revision Commission hereby approves the Minutes of the Charter Revision Commission meeting of March 22, 2023.

4. OLD BUSINESS

A. Outstanding Questions & Presentation from the Registrars of Voters (*Laura Wolfe, Democratic Registrar of Voters, & Paul Willis, Republican Registrar of Voters*).

B. Discussion Item: Charter Revision

5. NEW BUSINESS

A. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on Charter Revision Items

BE IT RESOLVED, that the Granby Charter Revision Commission hereby sets Wednesday, April 26, 2023, at 6:30 p.m. in the Town Hall Meeting Room of the Granby Town Hall, 15 North Granby Road, Connecticut, as the time and place for a Public Hearing to receive citizen input on the proposed edits and revisions of the draft to the Granby Town Charter as on file with the Granby Town Clerk's Office.

6. ADJOURNMENT

Topic: Charter Revision Committee

Time: Mar 29, 2023 6:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82326545266?pwd=NC9OU0hDYU50NmXwZjVURVB1L0NJdz09>

Or dial in: +1 (929) 205-6099

Meeting ID: 823 2654 5266

Passcode: 867494

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2023 MAR 28 A 9:37

**TOWN OF GRANBY
CHARTER REVISION COMMISSION
SPECIAL MEETING**

Minutes

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March 22, 2023

Members Present: Chairman Edward Ohannessian
Vice-Chairman Anthony McGovern- Arrived 6:07 p.m.
Commissioner Anthony Cappelli
Commissioner Rebecca Brewer
Commissioner Benjamin Perron
Commissioner Mark Lockwood
Commissioner Francis Brady
Commissioner Lynn Guelzow – Via Zoom
Commissioner Terri-Ann Hahn

Others Present: Scott A. Nolan, Town Clerk
Kimi Cheng, Finance Director
Richard P. Roberts, Town Attorney

I. CALL MEETING TO ORDER

Chairman Edward Ohannessian called the meeting of the Charter Revision Commission to order at 6:00 p.m. in the Granby Town Hall Meeting Room.

II. PUBLIC INPUT

Robert James Flanigan, Jr. (*Woodcliff Drive*) addressed members of the Charter Revision Commission regarding the public input that had been submitted several weeks ago and inquired about the plan on addressing the public's feedback as Mr. Flanigan explained that he felt that many items had not yet been addressed. Mr. Flanigan also inquired about the timeline and what the process would be going forward.

III. ADOPTION OF MINUTES OF PREVIOUS MEETINGS

Commissioner Mark Lockwood made a motion for the adoption of the following resolution:

BE IT RESOLVED, that the Granby Charter Revision Commission hereby approves the minutes of the Charter Revision Meeting of March 7, 2023.

The motion was seconded by Commissioner Rebecca Brewer at which time a discussion took place regarding the need to make a correction noting that Commissioner Lockwood was present for the 3/7/2023 meeting and Commissioner Benjamin Perron was absent. After a brief discussion, the motion passed by a voice of **8** ayes (Commissioners Ohannessian, Cappelli, Brewer, Brady, Guelzow, Hahn, McGovern) **0** nays, and **1** abstention (Commissioner Perron)
MOTION CARRIES.

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IV. OLD BUSINESS

A. Discussion Item: Grand Levy Vs. Tax Levy

Finance Director Kimi Cheng explained to members of the Charter Revision Commission about the difference between the Grand Levy and the Tax Levy and why she felt at the time the last charter revision Commission would have used both terms due to the way taxes are collected and that not all taxes are collectible at 100% every year and that some things are exempt. Finance Director Kimi Cheng further explained that if members of the current charter revision Commission wanted to make a change going forward, she believed this would have no effect on any of the financial audit reporting processes. Finance Director Kimi Cheng also explained to members of the Charter Revision Commission about the difference between the self-funded accounts and how the money in the self-funded accounts affects the budget.

B. Discussion Item: Review of Charter Revision Outstanding Questions with the Town Attorney

Town Attorney, Richard Roberts addressed members of the Charter Revision Commission regarding an overview of the current Town Charter and some of the feedback and responses he had received from the Charter Revision Commission. Town Attorney, Richard Roberts further explained Sections 2-4 Eligibility for Office, Sections 3-8 and 3-9 Zoning Board of Appeals and Zoning Board of Appeal Alternates, section 4-3 the Board of Selectmen's General Powers and Duties, section 4-5 Public Hearing on Ordinances, section 6-6 Town Attorney, section 8-2 Police Department section 9-4 Retirement of Town Employees, section 10-5(f), and chapter 10 of the Granby town Charter. further discussion took place and Town Attorney, Richard Roberts took questions from members of the Charter Revision Commission regarding some of their other various concerns at which time further discussion took place.

C. Discussion Item: Review of Land Use Boards, Planning & Zoning Commission & Zoning Board of Appeals Process

Members of the Charter Revision Commission discussed the process of the land use development boards and if it was possible to modify the process to allow some of the other boards and commissions to insert themselves into the process with regards to land development.

D. Discussion Item: Charter Revision

Chairman Edward Ohannessian discussed what he thought the next steps of the charter revision Commission should be and felt that now that the group had received feedback from the Town Attorney, they could begin reviewing the town charter for their second reading to get a straw poll on

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whether or not members of the charter revision Commission we're interested in making a change in the appropriate sections.

At 7:39 p.m. Chairman Edward Ohannessian called for a 5-minute recess. At 7:43 p.m. The Charter Revision Commission resumed their discussions after a brief recess. Further discussion took place regarding adding a requirement that all boards and commissions have a mandatory public input/comment portion on all meeting agendas. After a brief discussion, the majority of the charter revision Commission dissented, and the discussion ended.

Discussion took place regarding Chapter 1 (Incorporation and General Powers) and no further input was offered regarding additional changes to be made to the second reading. Discussion took place regarding Chapter 2 (Elections) and how many each political party could nominate along with how many candidates voters can vote for on the ballot. After discussion, the general consensus was to ask the registrar of voters to attend the next charter revision Commission meeting and weigh in on this topic as the Commission still has unanswered questions. After discussion members of the Charter Revision Commission felt that there were no further recommendations at this time to sections 2-4 (Eligibility for Office) and 2-6 (Vacancies) of that Granby town Charter

V. NEW BUSINESS

No New Business took place.

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**TOWN OF GRANBY
CHARTER REVISION COMMISSION
SPECIAL MEETING**

Minutes

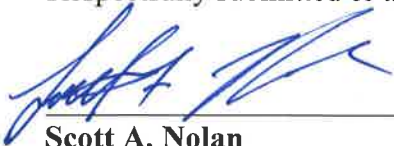
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March 22, 2023

VI. ADJOURNMENT

There being no more business to come before the meeting, Commissioner Rebecca Brewer made a motion to adjourn the Charter Revision Commission meeting at 8:25 p.m., which was seconded by Commissioner Mark Lockwood and passed by a unanimous voice vote. (9/0/0)
MOTION CARRIES.

Respectfully submitted & attested,



Scott A. Nolan
Town Clerk

Received for Record March 27, 2023, at 8:22 AM
By SCOTT A. NOLAN, Town Clerk

Sec 2 – 1 c The proposed addition is problematic. State statutes regarding limits on voting for town boards are applied to minimize tie votes and emphasize to voters that there will be an opportunity for both voices to be heard. We do not agree that it is too difficult for voters to understand that minority representation is important. We welcome the opportunity to have an election that emphasizes cooperation and teamwork and can set aside partisan politics.

Sec 2 – 5 Flexibility is needed to be added in the Town Charter to reflect the inherent issues with putting together a Special Election to settle a tie and comply with state statutes that apply for noticing the event. Early voting legislation has been proposed which could apply, so flexible language in this section is critical. The sentences regarding machines seem to be hold overs from the lever machines. One of our current machines can handle a special election, so the spares would be used, and reusing/unsealing would not apply. In the highly unlikely event that all of our machines are not usable, we would borrow a machine from another town. This would not have been possible if we still used the old lever machines. We have been promised new machines as soon as 2024 – so removing any language in the charter specifying machine usage would be the prudent choice.

9
10 **BREAKING A TIE.** When any regular or special Town election conducted pursuant
11 to the provisions of this Charter results in a tie, and all but one of the tied candidates shall
12 not have voluntarily retired from the contest, a special election shall be conducted to
13 determine who shall be elected. Said special election shall be held in accordance with
14 General Statute 9-332 and such election shall stand adjourned for three weeks at the
15 same hour at which the first election was held. ~~by the Board of Selectmen on the seventh~~
16 ~~day after the election which resulted in a tie and shall be confined to the tied candidates.~~
17 Any voting machine, the returns from which are not subject to disagreement, may be
18 unlocked and used in said special election. If voting machines are not available in
19 sufficient number, paper ballots may be used in place of or in conjunction with voting
20 machines.

Sec 2 – 6 The current practice of replacement by consensus with the Board of Selectman seems appropriate and we do not see the need to have a special Election where a consensus can be reached.

Sec 3 – 1 The addition which would limit individuals from holding two positions seems unnecessary. Both town committees have been very consistent in ensuring qualified candidates for elective offices and this might have an unintended consequence of limiting the field of candidates considered.

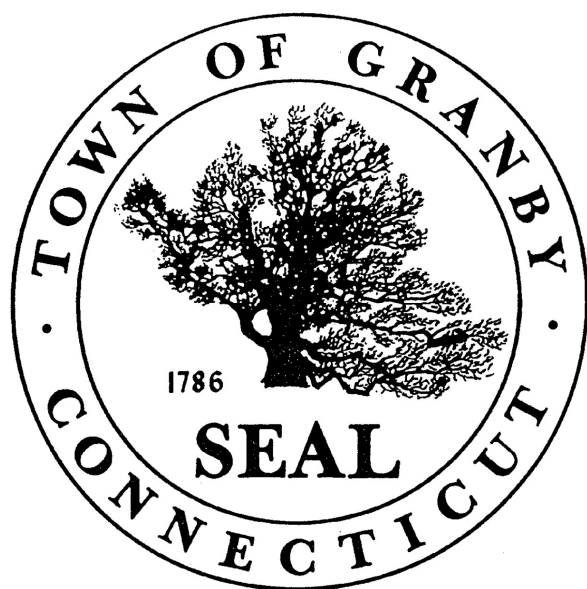
Sec 3 – 4 We support the current language here, and consider the state statutes that are invoked useful to creating a harmonious and cooperative atmosphere both during campaigns and service on the boards. Further removing the ability to become a Board of Selectman when you run for First Selectman will stifle competition for the office and hamper the ability of petitioning and minor party candidates from considering running.

Sec 4 – 6 We do not have an opinion here, but generally agree with Terri-Anne that if such a large number of people choose to act, this is an important section to leave untouched.

Sec 10 – 5 As stated before, with Sec 2 – 5, the charter revision must take in to consideration the difficulties in the current language, in particular should early voting apply. Switching shall to may, and removing the word machine, would be prudent corrections should we find the new equipment to have limitations that are

unforeseen. Currently we use a 50 year old technology and have a printer that can usually get us ballots within a week. However the memory card reprogramming takes at least two weeks and we have no choice for the vendor.

Sec 11 – 3 c We propose changing the language of the timing of a town meeting from “7 days” to “no less than 10 and no more than 30 days” and striking the word “machine”. These are prudent changes that will reflect the rapidly changing state plans for voting.



**TOWN OF GRANBY
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Pronouns

Unless the context otherwise requires, pronouns of any gender shall include both the masculine and feminine gender, and the singular pronoun shall be deemed to include the plural.

CHAPTER 1

INCORPORATION AND GENERAL POWERS

Section 1-1

INCORPORATION. All the inhabitants dwelling within the territorial limits of the Town of Granby, as heretofore constituted, shall continue to be a body politic and corporate under the name of the "Town of Granby" Connecticut, hereinafter in this Charter called "the Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges herein conferred, and all powers and privileges conferred upon towns under the general statutes of the State of Connecticut (the "General Statutes").

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 in the Town as of the date this Charter shall take effect are continued. The Town shall continue to be liable for its debts and obligations. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien. If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains provisions that the same may be enforced by any office or agency therein named, which is hereby abolished, 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 such office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Selectmen of said Town.

Section 1-3

GENERAL GRANT OF POWERS. In addition to all powers granted to towns under the State of Connecticut eConstitution (the "Constitution") and gGeneral sStatutes, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted 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 or any federal agency, the State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the eConstitution and the gGeneral sStatutes ~~of the State of Connecticut~~.

Commented [ML1]: Modified to add the word "Connecticut" to the Town of Granby to match title page.

Capitalized "General Statutes" to indicate throughout the document that this is a defined term to the Conn. General Statutes.

Other references to the General Statutes in the document will be capitalized as a defined term.

Commented [ML2]: Added in "Connecticut" to specifically acknowledge the Conn. Constitution, and included capitalized word for use as defined term later in the document.

Capitalized Constitution and General Statutes as these are already defined. Since they are defined above, removed State of Connecticut since this is redundant.

CHAPTER 2

ELECTIONS

Section 2-1

GENERAL. (a) Nomination and election of state and federal officers, state senators and representatives, judge of probate and such elective Town officers, boards and commissions as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefore, in the manner prescribed in the [eConstitution](#) and the [gGeneral Statutes](#) and special laws of the state applicable to the Town, except as hereinafter provided.

(b) Regular Town elections shall take place on the first Tuesday after the first Monday in November of each odd numbered year.

[\(c\) At each election, each political party shall have the right to nominate as many persons as there are vacancies and each elector may vote for as many persons as there are vacancies.](#)

Commented [ML3]: Draft section (c) to indicate that any party can nominate as many person as there are vacancies, and that electors may vote for those vacancies. This overrides contrary language in the General Statutes for certain offices. [Meeting comments discussed that Unaffiliated are not a party and do not nominate, rather petition to be on a ballot.]

Section 2-2

MINORITY REPRESENTATION, ELECTIVE AGENCIES. Minority representation on any elective board, committee, commission or similar body of the Town shall be determined in accordance with the provisions of section 9-167a of the general statutes except in the case of a five-member board, committee, commission or similar body where the maximum number of any such board, committee, commission or similar body from the same political party shall be three. The maximum number of any elective board, committee, commission or similar body who may be members of the same political party shall be as specified in the following table:

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

(Drafting comment: This section needs further discussion for any potential conflicts or inconsistencies for other elective offices per the Charter / General Statutes and any revisions i.e. Board of Selectmen/1st Selectman).

Section 2-3

MUNICIPAL VOTING DISTRICTS. There shall be voting districts as the same existed on the effective date of this Charter, and the number of such districts shall not be increased or diminished, nor their boundaries altered, except by ordinance of the Board of Selectmen approved by a majority of the electors voting on a date established by the Board of Selectmen.

Section 2-4

[ELIGIBILITY FOR OFFICE] No person who is not at the time of his election or appointment a ~~registered voter~~ resident elector of the Town shall be eligible for election to any Town office, or appointment to any board or commission, and any person ceasing to be a resident elector ~~registered voter~~ of said Town shall thereupon automatically cease to hold elective or appointive office in the Town.

Commented [ML4]: Clarification requested as to "Elector" vs. "Registered Voter" as elector is used elsewhere in the charter and also in statute

Commented [ML5R4]: Updated to Elector per meeting of 3-9 to be consistent with statute definition, included appointed boards and commissions

Section 2-5

[BREAKING A TIE] When any regular or special Town election conducted pursuant to the provisions of this Charter results in a tie, and all but one of the tied candidates shall not have voluntarily retired from the contest, a special election shall be conducted to determine who shall be elected. Said special election shall be held by the Board of Selectmen on the seventh day after the election which resulted in a tie and shall be confined to the tied candidates. Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines.

Commented [ML6]: Timing of the election to break a tie to be reviewed to town clerk deadlines. (perhaps change to 10 days?) In addition the provisions of CGS 9-332 require review for consistency.

Section 2-6

[VACANCIES] Any vacancy in any elective Town office from whatever cause arising, except in the office of First Selectman or in the office of ~~s~~Selectman or in the office of Registrar of Voters where governed by the gGeneral ~~s~~Statutes, shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term or until the next biennial election, whichever shall be sooner; provided that when the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party. If there is a biennial election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term, such person to take office on the second Tuesday following the election. When a vacancy occurs in the office of the First Selectman or in the office of ~~s~~Selectman, it shall be filled by the remaining members of the Board of Selectmen with a member of the same political party of the person who is being replaced. If the board cannot decide upon a person within thirty days of the occurrence of the vacancy, a special election shall be held as soon as possible in procedural accordance with state statutes and subject to the minority representation provisions of this Charter. Vacancies in the office of Registrar of Voters shall follow the provisions of section 9-192 of the gGeneral ~~s~~Statutes where applicable.

Commented [ML7]: Open discussion on process to replace unaffiliated/non-party positions.

First Selectmen position also governed by CGS 9-222

CHAPTER 3

ELECTIVE OFFICERS

Section 3-1

GENERAL POWERS AND DUTIES. Except as otherwise provided in this Charter, all elective Town officers, boards and commissions shall have the powers and duties prescribed by law. No individual can hold more than one elected position concurrently.

Commented [ML8]: Adding in language that persons cannot serve on more than one elected board at the same time.

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 second Tuesday following their election, and shall not expire before the election and qualification of their successors.

Section 3-3

REGISTRARS OF VOTERS. There shall be two Registrars of Voters to be elected in the state election for terms of four years as provided in section 9-189a as amended of the gGeneral sStatutes.

Section 3-4

BOARD OF SELECTMEN. At each biennial election there shall be elected a First Selectman and four other members of the Board of Selectmen, all for terms of two years. The conduct of such election and the counting of votes as cast for both the office of First Selectman and sSelectman shall be governed by the gGeneral sStatutes.

Commented [ML9]: Open discussion regarding the Town changing the 1st Selectmen and Selectman elections from the default provisions in CGS 9-188

Section 3-5

BOARD OF EDUCATION. The Board of Education shall consist of seven members. At each biennial election, there shall be elected one member for a term of four years to succeed each member whose terms shall expire. The election shall be conducted in accordance with section 9-204b of the general statutes, the provisions of which are incorporated into this Charter. At each election, each political party shall have the right to nominate as many persons as there are vacancies and each elector may vote for as many persons as there are vacancies.

Commented [ML10]: Suggest to leave this sentence included here to expressly override CGS 9-204 (which has election limitation for BOE) as permitted by CGS 9-204(a)

Section 3-6

BOARD OF FINANCE. The Board of Finance shall consist of six members each of whom is elected for a term of four years. At each biennial election there shall be elected one member for a term of four years to succeed each member whose term shall expire.

Section 3-7

BOARD OF ASSESSMENT APPEALS. The Board of Assessment Appeals shall consist of three members each of whom is elected for a term of four years. At each biennial election there shall be elected one member for a term of four years to succeed each member whose term shall expire.

Commented [ML11]: General comment on having statute references if needed to the charter positions?

Section 3-8

ZONING BOARD OF APPEALS. The Zoning Board of Appeals shall consist of five members each of whom is elected for a term of four years. At each biennial election there shall be elected one member for a term of four years to succeed each member whose term shall expire. There shall also be a total of three alternate members each of whom is elected for a term of four years. At each biennial election there shall be elected one member for a term of four years to succeed each member whose term shall expire.

Commented [ML12]: Consolidating previous 2 sections into one

~~Section 3-9~~

~~**ZONING BOARD OF APPEALS ALTERNATES.** The panel of alternates of the Zoning Board of Appeals shall consist of three members each of whom is elected for a term of four years. At each biennial election there shall be elected one member for a term of four years to succeed each member whose term shall expire.~~

Commented [ML13]: Combining these two sections into one

~~Section 3-10~~

PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission shall consist of seven members each of whom is elected for a term of four years. There shall also be a total of two alternate members who shall be elected. ~~Initially, one alternate member shall be elected for a term of two years and the other alternate member shall be elected for a term of four years.~~ At each biennial election thereafter, there shall be elected one member and one alternate member for a term of four years to succeed each member and each alternate member whose term shall expire.

Commented [ML14]: Removing this portion since the alternate roles are already established.

~~Section 3-11~~

TOWN MODERATOR. At each biennial election, there shall be elected a Town Moderator for a term of two years. The Town Moderator shall preside at all Town meetings and shall work with the Board of Selectmen to promote citizen attendance and participation at Town meetings. In the absence of the elected Town Moderator, the Town meeting shall be called to order and be conducted by the First Selectman or his representative.

~~Section 3-12~~

POSITION OF PROFIT. No elected or appointed Town official shall, while in office, derive direct financial benefit as a result of any contract, decision or action by any board or position. Except as noted in Section 7-1, no elected town official may be appointed to or hired for any paid position with the town or may enter into any contract

Commented [ML15]: Ongoing discussion on this section.

with the town for a period of one year following his last day in office. The restrictions outlined herein are subject to the provisions of section 7-421 of the general statutes.

CHAPTER 4

THE BOARD OF SELECTMEN

Section 4-1

THE **BOARD OF SELECTMEN**. There shall be a Board of Selectmen as provided in chapter 3, Section 3-4 of this Charter.

Commented [ML16]: Continued discussion on name of board

Commented [ML17R16]: Forms of government per CGS 7-193

Section 4-2

THE FIRST SELECTMAN. The First Selectman shall be **chairman** of the Board of Selectmen and shall preside over all meetings of the Board of Selectmen. He shall be an ex-officio member, without vote, of all other Town boards, commissions and committees. He shall be the official head of the Town for all ceremonial and military purposes. ~~In the absence of the Town Manager, he shall exercise the authority and perform all the duties of the Town Manager for a period not to exceed 90 consecutive days, except as otherwise specifically provided in this Charter. During his absence or disability his duties shall be performed by another member of the Board of Selectmen chosen by the members of such board, except as otherwise specifically provided in this Charter.~~

Commented [ML18]: Modifying to chair.

Commented [ML19R18]: Modified and moved to section 7-2

Section 4-3

BOARD OF SELECTMEN'S GENERAL POWERS AND DUTIES. Except as otherwise provided in this Charter, the Board of Selectmen shall have the powers and duties conferred by the general and special laws of the state upon the Board of Selectmen of the Town. Except as otherwise provided in this Charter, the legislative power of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall have the power to enact, amend or repeal ordinances and resolutions not inconsistent with this Charter or the general statutes of the state providing for the preservation of good order, peace, health and safety of the Town and its inhabitants; create or abolish by ordinance boards, commissions, departments or offices except those provided for in this Charter; and establish by resolution such study, advisory or consulting committees as the Board may determine to be necessary or appropriate for the general welfare of the Town. The Board of Selectmen is authorized in adopting ordinances to incorporate any nationally recognized code, rules and regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance; provided, upon adoption of any such ordinance wherein any such code, rules and regulations or portions thereof have been incorporated by reference, there shall be maintained two copies of such code, rules and regulations in the office of the Town Clerk for examination by the public. The Board of Selectmen may contract for service

and the use of facilities of the United States or any federal agency, the State of Connecticut and any political sub-division thereof, or may, by agreement, join with such political subdivisions to provide services and facilities. The Board of Selectmen shall consider and endorse a plan of conservation and development in accordance with general statutes.

Section 4-4

PROCEDURE. The Board of Selectmen shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall determine its own rules of procedure. Three members shall constitute a quorum; however, no motion, ordinance, resolution or otherwise, except to adjourn or to fix the time and place of its meeting, shall be adopted by less than three affirmative votes.

Section 4-5

PUBLIC HEARING ON ORDINANCES. At least one public hearing, ten day notice of which shall be given by publication in a newspaper having a circulation in the Town, or as otherwise provide for in the General Statutes, and by posting in a public place or places as the Board of Selectmen shall prescribe, shall be held by the Board of Selectmen before any ordinance shall be passed. The passage of such ordinance shall be advertised in one or more newspapers having a circulation in the Town and shall not become effective until twenty days after such publication; provided, an ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after publication and no public hearing or notice of public hearing shall be required for any public emergency ordinance. Every public emergency ordinance including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following final passage of such ordinance. All ordinances shall be filed with the Town Clerk and recorded, compiled and published by the Town Clerk as required by law.

Section 4-6

PETITION FOR OVERRULE OF ACTION BY THE BOARD OF SELECTMEN.

(a) Ordinances, resolutions or votes of the Board of Selectmen shall be subject to overrule in accordance with the provisions of this section. However, this Section 4-6 shall not apply to emergency ordinances, actions making appointments or removals, or regulating exclusively the internal procedure of the Board of Selectmen.

(b) If within forty-five days after the publication of any ordinance, resolution or vote, a petition signed by not less than ten percent of the electors of the Town, as determined from the latest election official lists of the registrars of voters, is filed with the Town Clerk requesting its reference to a special Town meeting, the effective date of such ordinance, resolution or vote shall be suspended and the Board of Selectmen shall fix the time and place of such meeting, which shall be held within twenty days, but start at least 7 days prior to a machine vote, after the filing of the petition, and notice thereof shall be given in the manner provided by the ~~g~~General ~~s~~Statutes for the calling of a special Town meeting. A machine vote shall be held on the sole question of overriding any ~~An~~ ordinance, resolution or vote so referred on the first Monday, or Tuesday if

Commented [ML20]: Adding in full title of document

Commented [ML21]: This is required in CGS §8-23

[Drafting comment: this may be redundant as already required under state statute and the charter is as well governed by state statutes.]

Commented [ML22]: Including language for alternative notice methods in case of changes to Statutes.

Commented [ML23]: Adding new language to provide for a machine vote vs. a town meeting vote (similar to budget process)

Monday is a holiday, after the conclusion of the special Town Meeting. -Absentee ballots for the machine vote shall be available at the office of the Town Clerk. ~~shall take effect upon the conclusion of such meeting unless at least 100 voters constituting a majority of those voting shall have voted in favor of overruling.~~The ordinance, resolution or vote shall take not effect if overruled by a majority of those voting, otherwise, said ordinance, resolution, or vote, shall take effect upon certification of the machine vote.

Section 4-7

COORDINATION. The Board of Selectmen may, at its discretion, convene any or all Town officials, boards, commissions or committees to review, plan or coordinate activities and operations of Town government, and may require reports to be submitted to it from all appointed boards and commissions. ~~At any such meeting the electors and taxpayers of the Town may submit suggestions and comments for consideration by the appropriate official, board, commission or committee.~~

Commented [ML24]: Suggest to remove as this is redundant and citizens are allowed generally to send in "petition" such comments and suggestions.

CHAPTER 5

BOARD OF FINANCE

Section 5-1

BOARD OF FINANCE. There shall be a Board of Finance as provided in Section 3-6 and whose members shall be subject to Section 3-12 of this Charter.

Section 5-2

GENERAL DUTIES. The Board of Finance shall have such duties with respect to finance and taxation as are set forth in the general statutes except as provided in this Charter.

Commented [ML25]: Consider if this should be removed as duplicative.

Section 5-3

ANNUAL AUDIT. The Board of Finance shall annually designate an independent certified public accountant or firm of independent public accountants to audit the books and accounts of the Town as provided in the general statutes.

Commented [ML26]: This required further verification if this is or is not already required by statute.

CHAPTER 6 APPOINTIVE OFFICERS

BOARDS AND COMMISSIONS

Section 6-1

GENERAL. The Board of Selectmen by majority vote shall appoint by resolution the following Town officers: a Town Manager, a Town attorney and a treasurer. The Board of Selectmen shall appoint by ordinance such other Town officers, boards and commissions as it may determine are necessary or appropriate for the general welfare of the Town and not otherwise specifically provided for in this Charter. It may also appoint by resolution such committees as it may determine are necessary or appropriate for the general welfare of the Town.

Commented [ML27]: Including in the title "boards and commissions" as this section discusses more than just officers

Section 6-2

TERMS OF OFFICE. All officers appointed by the Board of Selectmen, except the Town Manager, shall take office on the second Monday of January, following the Town election and shall serve such terms as are hereinafter set forth and until their respective successors shall have been appointed and shall have qualified. It is the intention of this section to permit the Board of Selectmen to provide that the terms of appointed officers other than the Town Manager shall uniformly begin and expire at noon on the second Monday in January in the even numbered years. The Town Manager shall serve at the pleasure of the Board. Members of any board or commission appointed by the Board of Selectmen shall serve such terms as are provided by ordinance of the Board of Selectmen.

Section 6-3

GENERAL POWERS AND DUTIES. Except as otherwise provided in this Charter, all appointed officials, boards and commissions shall have all the powers and duties prescribed by law or ordinance.

Section 6-4

MINORITY REPRESENTATION, APPOINTIVE AGENCIES. Minority representation on any board, commission, committee or similar body of the Town appointed by the Board of Selectmen shall be determined in accordance with the provisions of section 9-167a of the general statutes as amended except in the case of a five-member board, committee, commission or similar body where the maximum number of any such board, committee, commission or similar body from the same political party shall be three. As provided in said section, the maximum number of any such board, commission, committee or similar body who may be members of the same political party shall be as specified in the following table:

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

Section 6-5

VACANCIES. Any vacancy in any appointive Town office, board, or commission, from whatever cause arising, shall be filled by appointment by the appointing authority to such office for the unexpired portion of the term vacated.

Commented [ML28]: Including board and commission for consistency.

Section 6-6

TOWN ATTORNEY. The Town attorney shall be an individual attorney admitted to practice law in the State of Connecticut or a law firm so engaged with principles who are admitted to practice law in the State of Connecticut at law admitted to practice law in this state. He shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any of its officers or agencies. He~~The Town Attorney~~ shall be the legal advisor to all Town officers or agencies in all matters affecting the Town and shall upon written request furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request ~~he~~the Town Attorney shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest. He shall have power, with the approval of the Board of Selectmen, to compromise and settle any claims by or against the Town and to appeal from orders, decisions and judgments. The Board of Selectmen shall have the right to select special legal counsel authorized to practice law in the State of Connecticut when warranted and approved by the Board of Selectmen.

Commented [WU29]: Modified language based on suggestion from town attorney.

Commented [WU30]: Additional language suggested by town attorney. *Discussion should this approval require a super majority?

Section 6-7

COMBINED FUNCTIONS AND POSITIONS. Except as otherwise provided by law, the Board of Selectmen in filling appointive positions may, by majority vote, combine functions and positions not contrary to any ordinances.

Commented [ML31]: Clarifying that this should not authorize actions contrary to ordinances that are still in effect.

Section 6-8

TREASURER. Duties of the treasurer shall be as provided in section 7-80 of the ~~g~~General sStatutes, except that the treasurer shall appoint within 30 days of taking office a deputy who shall, in the absence or disability of the town treasurer, perform all of the treasurer's duties.

Commented [ML32]: Adding in "shall" appoint a deputy, as statute says "may" based on concerns for backup in case of absence of treasurer.

CHAPTER 7 TOWN MANAGER

Section 7-1

APPOINTMENT. The Board of Selectmen shall appoint ~~for an indefinite term, and may remove,~~ a Town Manager, who shall serve at the pleasure of the Board of Selectment, and shall be the chief executive officer and shall be chosen ~~exclusively~~ on the basis of ~~his~~their administrative qualifications, character and experience. ~~The Board of Selectmen may appoint an interim Town Manager for a period not to exceed one year during the absence, disability or resignation of the manager. The compensation for the interim Town Manager shall be determined by the Board of Selectmen. The provisions of Section 3-12 of this Charter notwithstanding, the interim Town Manager may be a Town official or a former official whose last day in office was less than one year ago. A Town official shall resign or take a leave of absence from any Town office held before appointment as interim Town Manager.~~

Commented [ML33]: Adding in pleasure at the board to be consistent with previous section, and eliminate exclusive for selection criteria.

Commented [ML34]: Language modified and moved to section 7-2

Section 7-2 [NEW]

Commented [ML35]: Putting in a new section to separate out this topic. Additional discussion on interim town manager and transition period.

VACANCY OR DISABILITY IN THE OFFICE OF TOWN MANAGER.

- a) Whenever the position of Town Manager is vacant due to removal, death, resignation, absence, or disability of the Town Manager, the First Selectman, in addition to their other duties as First Selectman, shall exercise the authority and perform all the duties of the Town Manager as First Selectman for up to 90 (ninety) consecutive days from the time of the vacancy. The First Selectman's exercise of authority as Town Manager shall cease once a Town Manager or interim Town Manager is appointed and assumes office, or any absence or disability ceases.
- b) The Board of Selectmen may appoint an interim Town Manager for a period not to exceed one year during the removal, death, absence, disability or resignation of the Town Manager. The compensation for the interim Town Manager shall be determined by the Board of Selectmen.
- c) The provisions of Section 3-12 of this Charter notwithstanding, the interim Town Manager may be a Town official, or a former official whose last day in office was less than one year ago, or an elective Town position. A Town official shall resign or take a leave of absence from any Town office held before appointment as interim Town Manager, and a elective Town position shall resign and said vacancy filled as provided for in this Charter.

Section 7-~~32~~

DUTIES OF TOWN MANAGER. The Town Manager shall be directly responsible to the Board of Selectmen for the administration of all offices and agencies and in charge of persons appointed by him and shall supervise and direct the same. He shall be the purchasing agent of the Town subject to such rules and regulations as shall

be prescribed by the Board of Selectmen. The Town Manager shall keep full and complete records of the doings of his office and it shall be his duty to make periodic reports to the Board of Selectmen and to attend its meetings with full right of participation in its discussions; to prepare and cause to be published, as soon as possible after the close of the fiscal year, an annual Town report; to recommend to the Board of Selectmen such measures as he shall deem necessary or expedient; to keep or cause to be kept complete books of account showing the financial condition and financial transactions of the Town, including accounts of all funds and appropriations, and such other accounts and records, not specifically required by law to be kept by other officers, as may be prescribed by the Board of Selectmen; to purchase all supplies, materials, equipment and other commodities required by any office or agency of the Town except the Board of Education; to keep the Board of Selectmen and the Board of Finance fully advised as to the financial condition of the Town; to prepare and submit to the Board of Selectmen an annual budget and to exercise such other powers and duties as may be imposed on him by the Board of Selectmen. Except as otherwise provided in this Charter, neither the Town meeting nor the Board of Selectmen shall diminish by ordinance, vote or otherwise the powers and duties of the Town Manager, except those powers and duties imposed on him by direction of the Board of Selectmen under the provisions of this section. The Town Manager shall exercise the authority and perform all the duties of Town Manager, except as otherwise specifically provided in this Charter.

Section 7-34

APPOINTMENTS. With the approval of the Board of Selectmen, the Town Manager may appoint, and may remove, a Town Clerk, chief of police, a tax collector, an assessor, who shall be duly qualified, a director of health, in accordance with section 19a-200 of the general statutes, a fire marshal and such other administrative officials or committees as may be necessary or proper for the general welfare of the Town. but the Board of Selectmen may vest the appointment of any or all of such officials or committees, as they think proper, in the Town Manager alone. The Town Manager may, subject to the approval of the Board of Selectmen, perform the duties of any appointive office provided the same is not inconsistent with law. Except as otherwise provided by law, the Town Manager, subject to the approval of the Board of Selectmen, may, in filling appointive positions, combine functions and positions.

Commented [ML36]: Confirm this approval is by a vote of BOS

Commented [ML37]: Language to address appointments where BOS may delegate directly to Town mgr.

Section 7-4

DUTIES OF OFFICERS APPOINTED BY THE TOWN MANAGER. Except as otherwise specifically provided in this Charter, the duties of the officers appointed by the Town Manager shall be those prescribed for such officers by the ~~g~~General ~~s~~Statutes as amended and the ordinances of the Town. If the duties and responsibilities of an officer of the Town are not set forth in the ~~g~~General ~~s~~Statutes or ordinances of the Town, then the Town Manager, with the approval of the Board of Selectmen, shall prescribe the duties and responsibilities of such office.

CHAPTER 8

ADMINISTRATIVE AGENCIES

Section 8-1

ADMINISTRATIVE AGENCIES. Except as otherwise provided in this Charter, the Town Manager shall be directly responsible to the Board of Selectmen for the administration of finance, public works, welfare, health, public safety, and such other offices and agencies as the Board of Selectmen may direct.

Boards, commissions appointed officials and officers appointed by the Board of Selectmen shall have the powers and duties prescribed by the gGeneral sStatutes and by ordinance of the Board of Selectmen.

Commented [ML38]: Including appointed officials for clarity

Section 8-2

POLICE DEPARTMENT. (a) The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of laws of the state and the ordinances of the Town and all rules and regulations made in accordance therewith. All members of the department shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the general statutes as amended.

(b) Chief of Police: Appointments, Powers and Duties. With the approval of the Board of Selectmen, the Town Manager shall appoint and may remove, subject to the provisions of section 7-278 of the general statutes, a Town chief of police who shall hire and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter 9 of this Charter, all other officers and employees of the department. The chief of police shall hire and may remove an animal control officer. The chief of police shall assign all members of the department, including an animal control officer, to their respective posts, shifts, details and duties. He shall make rules and regulations concerning operation of the department and the conduct of all officers and employees thereof. He shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders, rules and regulations of the chief shall be grounds for dismissal or for other appropriate disciplinary action. The chief of police shall have the power to suspend any member of the department for cause but such suspension shall not continue for more than twenty four hours unless within that time he shall notify the Town Manager in writing of such action, the grounds of such suspension, and the names of witnesses to sustain such charges. Unless otherwise provided by ordinance of the Board of Selectmen, the determination as to the continuance of the suspension shall be made by the Town Manager.

Commented [ML39]: Scott to check with town atty on any changes

CHAPTER 9

MERIT SYSTEM

Section 9-1

MERIT SYSTEM ESTABLISHED. All officers and employees in the classified service of the Town as described in Section 9-2 shall be hired on the basis of merit and in conformity with recognized principles of public personnel administration.

Section 9-2

THE CLASSIFIED SERVICE. The classified service shall include all positions now or hereafter created except the following: elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions and other officers appointed by the Board of Selectmen; employees of the Board of Education; persons employed in a professional capacity to make or conduct temporary and special inquiry, study or investigation; and persons employed for a temporary period not exceeding 90 days ~~three months~~. It shall be the duty of the Town Manager to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for such positions. These statements shall comprise the classification plan of the Town, which shall become effective upon approval by resolution of the Board of Selectmen and which may be amended upon recommendation of the Town Manager, by resolution of the Board of Selectmen. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution upon the recommendation of the Town Manager. The Town Manager shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals, and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the Town.

Any person holding a classified service position shall thereafter be subject in all other respects to the provisions of this Charter.

Section 9-3

POLITICAL ACTIVITY. As per the General Statutes including section 7-421.

(a) No person employed in the classified civil service may (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (2) directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

(b) A person employed in said classified service retains the right to vote as he chooses and to express his opinions on political subjects and candidates and shall be

Commented [ML40]: Inserting 90 days for three months for clarity

Commented [ML41]: Suggestion to reference the statute

free to participate in political management and campaigns. Such activity may include, but shall not be limited to, membership and holding of office in a political party, organization or club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate or soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties, committees or other agencies engaged in political action, except that no classified employee shall engage in such activity while on duty or within any period of time during which such employee is expected to perform services for which he receives compensation from the Town, and no such employee shall utilize Town funds, supplies, vehicles or facilities to secure support for or oppose any candidate, party, or issue in a political partisan election.

Section 9-4

Commented [ML42]: Scott to check with town atty

RETIREMENT OF TOWN EMPLOYEES. The Board of Selectmen may provide by ordinance a system of retirement allowances for the Town's regular full-time paid employees and for contribution by employees and the Town to a fund from which such allowances shall be paid, and the Board of Selectmen may authorize the transfer of the management and investment of the Town's pension funds to any fiduciary institution chartered or licensed to operate in the State of Connecticut. The Town may enter into a contract with any insurance company authorized to do business in this state for the purpose of insuring the whole or any part of its retirement plan, may elect to participate in the Connecticut Municipal Employees' Retirement Fund, or elect to participate in the old-age and survivors insurance system under Title II of the Social Security Act, in accordance with the provisions of part II of chapter 113 of the general statutes as amended, or may elect any combination thereof. The Board of Selectmen may by ordinance provide for employee retirement.

CHAPTER 10

FINANCE AND TAXATION

Section 10-1

PRELIMINARY BUDGET ESTIMATES. It shall be the duty of the Town Manager to compile preliminary estimates for the annual budget. The head of each office or agency of the Town supported wholly or in part from Town funds, or for which a specific Town appropriation is made, except the Board of Education, shall, on or before March 10th, file with the Town Manager on forms provided by him a detailed estimate of the expenditures to be made by his office or agency and 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 other form as the Town Manager may prescribe, a program or programs showing services, activities and work accomplished during the current year and to be accomplished during the ensuing year. The fiscal year shall be the twelve-month period commencing on July 1st.

Commented [ML43]: Discussion held around dates and how March date was selected

Section 10-2

DUTIES OF THE TOWN MANAGER ON BUDGET. On or before the third Monday in March the Town Manager shall present to the Board of Selectmen a budget consisting of:

(a) A statement outlining the important features of the proposed budget plan;

(b) Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year to the time of preparing the estimates, the receipts estimated to be collected during the current fiscal year, and estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year;

(c) Itemized expenditures for each office or agency for the last fiscal year and actual expenditures for the current fiscal year to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, the requests of the several offices and agencies for the ensuing fiscal year and the Town Manager's recommendations for the ensuing fiscal year for all items. The Town Manager shall present reasons for all of his recommendations;

(d) As a part of the annual budget or as a separate report attached thereto, the Town Manager shall present a program concerning proposed Town capital improvement projects (municipal and school) for the ensuing fiscal year and for the four fiscal years thereafter. The Town Manager shall recommend to the Board of Selectmen those projects to be undertaken during the ensuing fiscal years and a method of financing the same. The proposed municipal and school capital projects shall be analyzed jointly by the Board of Selectmen, Board of Finance, Board of Education or representatives thereof and other appropriate officials to evaluate for timing and budget impact of the proposed projects.

Section 10-3

DUTIES OF THE BOARD OF SELECTMEN ON BUDGET. On or before the first Monday in April, the Board of Selectmen shall present to the Board of Finance the completed budget as prepared by the Town Manager and such alternatives or changes, as it deems necessary.

Section 10-4

DUTIES OF THE BOARD OF EDUCATION ON BUDGET. On or before the first Monday in April, the Board of Education shall submit to the Board of Finance its estimates of receipts and expenditures for the coming fiscal year. Such estimates shall be in the form prescribed by the state board of education, plus such amplification as may be required by the Board of Finance.

Section 10-5

ANNUAL BUDGET PROCESS. (a) **ALL APPROPRIATIONS.** All appropriations, except for self funded accounts which do not involve Town funding, shall be approved by the Board of Finance through the procedures set forth in Sections 10-5 and 10-6 of this Charter, and all accounts shall be audited annually in accordance with generally accepted accounting principles.

Commented [ML44]: Discussion around what these accounts are, further information from Town Manager requested.

(b) **HEARING - ANNUAL TOWN BUDGET.** The Board of Finance shall hold a public hearing on the on a Monday on or before the second Monday in April and, if it deems necessary, on the next succeeding day. at Such public hearing shall be held in accordance with the General Statutes ~~which any elector or taxpayer may have an opportunity to be heard~~ regarding the budget proposed for the ensuing fiscal year. Following the receipt of the estimates from the Board of Selectmen and the Board of Education and prior to the public hearing or hearings required by this section, the Board of Finance may make such revisions in the budget estimates as it deems desirable. Following the public hearing or hearings, the Board of Finance may again make such revisions in the budget estimates, as it deems desirable and shall recommend such revised budget to the Town to be voted on in accordance with Section (c) of this Section 10-5. Copies of the proposed annual budget shall be made available for general distribution in the office of the Town Manager, the Granby Public Library(s), ~~the Cossitt Library~~ and the Police Department and other locations and media as deemed appropriate by the Board of Selectmen by Thursday noon prior to the public hearing or hearings. Copies of any revisions in the budget recommended by the Board of Finance following the public hearing, together with copies of the original proposed annual budget, shall likewise be available for general distribution at the same locations and other locations and media as deemed appropriate by the Board of Selectmen by Thursday noon prior to the third Monday in April.

Commented [ML45]: Modifying/updating language for hearing to be open to all public as per the statutes.

Commented [ML46]: To allow for some flexibility in the budget hearing dates

Commented [ML47]: Should this be modified to just "Granby Public Library(s)."

Commented [ML48]: Discussion around this day vs 4 days in advance

(c) **MACHINE VOTE.** A machine vote shall be held on the proposed annual Town budget on the on or before the fourth Monday in April to eligible Town voters as per section 7-6 of the General Statutes. Absentee ballots for the machine vote shall be available at the office of the Town Clerk. The budget shall be adopted if approved by a majority of those voting. If the machine vote fails to adopt the budget a hearing shall be held on the succeeding Monday for informational purposes with a machine vote the following Monday, and the process shall continue in like manner until a budget is adopted. If the hearing or machine vote is continued to the last Monday in May and such Monday is a holiday, said hearing or machine vote shall be held the next day.

Commented [ML49]: Consistent with above point to allow for flexibility in hearing and subsequent vote

Commented [ML50]: Revise to eligible votes and reference statute

(d) **BOARD OF FINANCE ACTION.** During the period between machine votes, the Board of Finance may revise the proposed budget to be submitted for the next machine vote. Summaries of the revised proposed budget shall be available before the next machine vote.

If the budget is not adopted by June 15th, the Board of Finance shall appropriate sufficient funds pending the adoption of the budget to meet continuing salary schedules and contractual obligations, at budget levels and obligations then in effect and may authorize borrowing, which may be necessary to fund the appropriation.

(e) BUDGET FORMAT AND PROCEDURE. The budget adopted by machine vote need not include all items of expense as required in the budget document by Section 10-2. An official copy of the budget resolution as finally adopted shall be filed by the Board of Finance with the Town Clerk within one week following adoption. Within ten days after adoption of the budget resolution the Board of Finance shall fix the tax rate in mills, which shall be levied on the taxable property in the Town for the ensuing fiscal year.

(f) CAPITAL FUND AND APPROPRIATIONS. If recommended by the Board of Selectmen and incorporated as a part of the proposed budget of the Board of Selectmen, the Board of Finance, in accordance with the provisions of chapter 108 of the general statutes as amended, may levy annually a tax not to exceed two mills as provided in said chapter 108 for a capital and non-recurring expenditure fund. Upon recommendation by the Board of Selectmen, the Board of Finance shall have the power to transfer from time to time to this fund any portion of the general fund cash surplus not otherwise appropriated or encumbered.

Appropriations for construction or other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned as stated by resolution by the Board of Selectmen, provided that any such project shall be deemed to have been abandoned if three fiscal years shall elapse without any addition to, or expenditure from, or encumbrance of the appropriation therefore.

Section 10-6

EXPENDITURES AND ACCOUNTING. (a) No purchase shall be made by the Town other than the Board of Education, except through the Town Manager and such purchases shall be made under such rules and regulations as may be established by ordinance by the Board of Selectmen.

(b) No voucher, claim or charge against the Town other than the Board of Education shall be paid until the same has been audited by the Town Manager and approved by him as being correct and proper. Checks shall be drawn on the Town by the Town Manager for the payment of approved claims, which shall be valid only when countersigned by the treasurer. In the absence or inability to act of either the Town Manager or the treasurer with respect to the above duty, the First Selectman is authorized to substitute temporarily for either but not both of them.

(c) Any person receiving or holding funds of the Town shall pay same over to the Town treasurer in the time and manner prescribed by the Town Manager.

(d) No person shall involve the town in any obligation to spend money for any purpose in excess of the amount appropriated.

(e) Subject to the provisions of Section 11-3(a), additional appropriations over and above the total budget may be approved from time to time by the Board of Finance by resolution, upon recommendation of the Board of Selectmen, for items other than

Commented [ML51]: Discussion around this point and that treasurer 'may' appoint a deputy, (see also section 6-8)

Board of Education requests. In the case of requests of the Board of Education, the Board of Selectmen shall have the right to comment prior to action by the Board of Finance. Certification from the Town Manager that there is available an unappropriated and unencumbered general cash surplus to meet such appropriations shall be required before approval by the Board of Finance. The sum of all appropriations made under this subsection during the same fiscal year shall not exceed one and one-half percent of the current tax levy. In calculating the sum of all such additional appropriations during the same fiscal year, appropriations of the following legally committed amounts shall exclude: insurance reimbursements; gifts and bequests to the Town for a designated purpose; state, federal or private grants or state or federal reimbursements, requiring no obligation for additional or future expenditure by the Town.

(f) Notwithstanding the foregoing and the provisions of Chapter 11, upon a declaration of an emergency by the Town Manager and upon a resolution adopted by a two-thirds vote of the Board of Selectmen that an emergency situation confronts the Town where prompt action is necessary to avoid serious harm to the Town or its property or its inhabitants, the Board of Finance, by a two-thirds vote, may make an emergency appropriation of up to three (3) percent of the current tax levy without the necessity of a Town meeting. Certification from the Town Manager that there is available an unappropriated and unencumbered general cash surplus to meet such an appropriation shall be required before approval by the Board of Finance.

(g) Upon request transmitted by the Town Manager and approved by the Board of Selectmen, the Board of Finance by resolution, may transfer any unexpended and unencumbered appropriation, balance or portion thereof from one department, office or agency of the Town, except the Board of Education, to another. No transfer shall be made from any appropriation for debt service and other statutory charges.

(h) Except for appropriations for capital improvements subject to the provisions of Section 10-5 of this chapter, all appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or encumbered.

(i) Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or any part thereof resulting in loss to the Town shall be jointly and severally liable to the Town for the full amount so paid or received. If any appointive officer or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of this Charter or take any part therein, such action shall be cause for his removal.

Section 10-7

BORROWING. The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the general statutes.

Commented [ML52]: BOF requested a change to 2%, CRC may leave at the current rate, open discussion point.

Commented [ML53]: Discussion around use of "tax levy" vs. "grand levy" - clarification requested

Commented [ML54]: General comment: Handling of Surplus funds.

CHAPTER 11

THE TOWN MEETINGS

Section 11-1

~~SPECIAL~~ TOWN MEETINGS. Special Town meetings shall be called by the Board of Selectmen only as provided by the terms of this Charter and in the manner provided by the general statutes.

Commented [ML55]: Change to show just "Town Meetings"

Section 11-2

PROCEDURE. All Town meetings shall be called to order and conducted by the Town Moderator and all business conducted in the manner provided by the ~~g~~General ~~s~~Statutes, except as otherwise provided in this Charter. In the absence of the elected Town Moderator, the Town ~~m~~Meeting shall be called to order and conducted by the First Selectman or his representative. The Town Clerk shall serve as clerk of all Town ~~m~~Meetings but in the Town Clerk's absence a Town staff employee may be designated by the meeting moderator to fulfill the Town Clerk's responsibilities at the meeting.

Section 11-3

WHEN A TOWN MEETING IS REQUIRED. (a) A Town ~~m~~Meeting must be held for: (1) any resolution, except for an emergency appropriation provided for by Section 10-6(f), making an appropriation in excess of the amounts specified in Section 10-6(e) but less than 3 percent of the ~~Grand Levy~~ for any purpose; (2) any resolution authorizing the issuance of bonds or notes or other borrowing of less than 3 percent of the Grand Levy; (3) any sale of real estate in fee simple of the Town used or reserved for Town purposes; and (4) any purchase of real estate in fee simple over the cost of \$100,000. The action as to items (1) through (4) shall become effective only after it has been approved by the Board of Finance and ~~adopted~~submitted at a Town ~~m~~Meeting to those eligible to vote as per section 7-6 of the General Statutes at such meeting, and ~~adopted~~ by the affirmative vote of a majority of those voting at such meeting.

Commented [ML56]: Further confirmation if this is Grand list or Tax Levy

Commented [ML57]: Commission discussed BOF 4%, comments are to leave at 3%

Commented [ML58]: Revise to eligible votes and reference statute

Commented [ML59]: Including eligible voters to vote at a Town Meeting

Commented [ML60]: Discussion on the above items and requirements for Town Meeting and procedures

Commented [ML61]: Revise to eligible votes and reference statute

(b) The Board of Selectmen may at its discretion require any proposal it deems of sufficient importance to be submitted to those ~~eligible to vote as per section 7-6 of the General Statutes~~entitled to vote by law at a Town ~~m~~Meeting called for such purpose and such proposal shall become effective only after it has been approved by a majority of those voting at such meeting.

(c) After approval by the Board of Finance, any resolution appropriating 3 percent of the Grand Levy or more, with the exception of the annual budget, and any resolution authorizing the issuance of bonds or notes of 3 percent of the Grand Levy or more shall be placed on the call of a Town ~~m~~Meeting; and after completion of other business and after reasonable discussion on such resolution, the moderator of said meeting shall recess the meeting, and such resolution shall become effective only after it has been submitted to the persons ~~eligible to vote as per section 7-6 of the General Statutes~~qualified to vote in at such Town ~~m~~Meeting on the seventh day thereafter for a "yes" or "no" vote between the hours established for referenda in accordance with the ~~g~~General ~~s~~Statutes as amended. The form of voting may be by voting machine or paper ballot at the discretion of the Board of Selectmen. The voting machine ballot

Commented [ML62]: Revise to eligible votes and reference statute

Commented [ML63]: See comment above

labels shall be approved by the Town Clerk. Such ordinance or resolution shall, if approved by a majority voting thereon, become effective without adoption at a Town Meeting.

Section 11-4

ACTIONS BY A TOWN MEETING. The Town Meeting shall not act upon any proposal for the sale or purchase of real estate or the issuance of bonds or other borrowing, except upon the recommendation of the Board of Selectmen, nor act upon any appropriation which has not been acted upon by the Board of Selectmen unless the same shall have been before the Board of Selectmen for sixty (60) days without action.

CHAPTER 12

TRANSITION AND MISCELLANEOUS PROVISIONS

Section 12-1

REMOVALS. (a) Except as otherwise provided in this Charter and as provided by the provisions of section 7-278 of the general statutes as amended, any appointive officer or employee or appointive member of a board or commission may be removed by the authority which appointed him, provided he shall first be given notice in writing of his removal. Said officer, employee or board or commission member shall, upon written request to the appointing authority within ten days from the date of receipt of this removal notice, be immediately given notice in writing of the specific grounds of removal. Thereafter, if requested either in the request for specific grounds or in a subsequent written request submitted to the appointing authority within five days from the receipt of such specific grounds said officer, employee or board member shall be given written notice from the appointing authority setting forth the time and place of an opportunity to be heard in his own defense, personally and/or by counsel, at a public hearing before the appointing authority, to be held not less than five nor more than twenty days after receipt of such request for hearing. With the exception of the initial notice of removal, the Board of Selectmen shall act for and in the place of the Town Manager, the chief of police, or any other appointing authority as to each and every request, notice and hearing provided for hereunder.

No employee of the Board of Education, below the rank of superintendent or supervising agent, who holds a regular certificate of qualification issued by the state board of education shall be removed except in accordance with the general statutes of Connecticut.

Section 12-2

EXISTING LAWS AND ORDINANCES. All ordinances and bylaws of the Town shall continue in all 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 are repealed with the exception of those not inconsistent with provisions of this Charter.

Section 12-3

OFFICIALS' BONDS. Authority is given for the purchase of a blanket bond conditioned upon honesty and/or faithful performance of official duties of those officials required by the Board of Selectmen to post a surety company bond. Premiums for any officials' bonds shall be paid by the Town.

Commented [ML64]: Scott to further check on this section

Section 12-4

AMENDMENT OF THIS CHARTER. This Charter may be amended in the manner prescribed by the general statutes. The Board of Selectmen shall review the provisions of this Charter from time to time as it deems such review to be in the best interest of the Town, said review to be published as part of the annual Town report. The Board of Selectmen shall appoint a commission not later than ten years from the effective date of this Charter to review, and propose amendment to or revision of this Charter in the manner prescribed by the general statutes.

Section 12-5

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

Section 12-6

This amended Charter shall become effective immediately upon ratification by the electors of the Town on November 6, 2012 in the manner prescribed by section 7-191 of the [g](#)General [s](#)Statutes.