

TOWN OF GRANBY
CHARTER REVISION COMMISSION
REGULAR MEETING

Minutes

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July 26, 2023

Members Present: Chairman Edward Ohannessian
Vice-Chairman Anthony McGovern – Arrived 6:05 p.m.
Commissioner Anthony Cappelli
Commissioner Terri-Ann Hahn
Commissioner Francis Brady
Commissioner Benjamin Perron – Arrived 6:27 p.m.
Commissioner Mark Lockwood – Via Zoom

Members Absent: Commissioner Rebecca Brewer
Commissioner Lynn Guelzow

Others Present: Scott A. Nolan, Town Clerk
Richard P. Roberts, Esq., 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

No Public Input was offered.

III. ADOPTION OF MINUTES OF PREVIOUS MEETINGS

Commissioner Terri-Ann Hahn 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 May 24, 2023.

The motion was seconded by Commissioner Anthony Cappelli which passed by a unanimous voice vote (5/0/0) **MOTION CARRIES**.

IV. OLD BUSINESS

No Old Business took place.

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July 26, 2023

V. NEW BUSINESS

**A. Discussion Item: Communication Received from the Board of Selectmen
Regarding the Draft Report of the Proposed Edits & Revisions to the Granby
Town Charter.**

Chairman Edward Ohannessian informed members of the Charter Revision Commission that they had received a memo for the Board of Selectmen regarding and that they are returning the Draft Report to the Charter Revision Commission in accordance with Connecticut General Statute 7-191(b) for additional consideration of the following sections: 3-1(b) General Powers and Duties of Elective Officers; 3-11(a) Conflict of Interest; and 11 – 3(c) When a Town Meeting is required. Chairman Edward Ohannessian explained that the Board of Selectmen is respectfully requesting further review of the above-named sections to the Granby Town Charter based on feedback from citizens at their July 10, 2023, Public Hearing and communication from the Town Attorney. Chairman Edward Ohannessian further noted that the memo received from the Board of Selectmen specifically requested a review of sections 3-1(b) and whether or not additional consideration should be given to limit this section to municipal offices; section 3-11(a) to align the Conflict-of-Interest section of the Town Charter with Connecticut General Statutes, the State Code of Ethics, and consider defining the term financial interest; and consider removing the first sentence of section 11-3(c) based on feedback from the Town Attorney.

After a brief discussion regarding section 3-1(b) General Powers and Duties of Elective Officers, members of the Charter Revision Commission were in agreement that their intent of this language was to ensure that no one person could hold more than one elected town office.

After a brief discussion regarding section 3-11(a) Conflict of Interest, members of the Charter Revision Commission were in agreement that their intent of this language was to mirror the Connecticut General Statutes concerning conflict of interest.

After a brief discussion regarding section 11 – 3(c) When a Town Meeting is required members of the Charter Revision Commission were in agreement that this language needed to be changed back to the original language that was in the Town Charter based on feedback received from the Town Attorney.

**B. Discussion Item: Communication Received from Town Attorney Regarding
Section 11-3(c), (*Richard P. Roberts, Esq., Halloran & Sage LLP*)**

Town Attorney, Richard P. Roberts, Esq., explained to members of the Charter Revision Commission that on the last day of the State Legislator language was added to House Bill 06942 which directly effected the Towns ability to enact language in the Town Charter that impacts the sale of Town owned property and that the new proposed language was in conflict with the new law.

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CHARTER REVISION COMMISSION
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July 26, 2023

C. Discussion Item: Charter Revision Commission

Chairman Edward Ohannessian informed members of the Charter Revision Commission that the next step of the Charter Revision Commission was to accept the Final Draft Report and transmit it to the Town Clerk's office and inquired with members of the Charter Revision Commission if they wanted to vote at the July 26, 2023, meeting or if they wanted to wait until the next regularly scheduled Charter Revision Commission meeting to vote. Members of the Charter Revision Commission were in agreement that they were prepared to vote to accept the Final Draft Report of the Charter Revision Commission.

Resolution accepting and approving the Final Draft Report of the Granby Town Charter and transmitting it to the Town Clerk for Board of Selectmen Consideration

Commissioner Terri-Ann Hahn made a motion for the adoption of the following resolution:

BE IT RESOLVED, that the Granby Charter Revision Commission hereby approves and accepts the Final Draft Report of the 2022 – 2023 Charter Revision Commission and directs Chairman Edward Ohannessian to file the Draft Report with the Town Clerk in accordance with Connecticut General Statute §7-191(b).

The motion was seconded by Commissioner Benjamin Perron which passed by a unanimous voice vote (7/0/0) **MOTION CARRIES.**

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CHARTER REVISION COMMISSION
REGULAR MEETING

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VI. ADJOURNMENT

There being no more business to come before the meeting, Commissioner Terri-Ann Hahn made a motion to adjourn the Charter Revision Commission meeting at 6:57 p.m., which was seconded by Commissioner Anthony Cappelli and passed by a unanimous voice vote. (7/0/0)
MOTION CARRIES.

Respectfully submitted & attested,



Scott A. Nolan
Town Clerk

Received for Record August 1, 2023, at 2:24 PM
By SCOTT A. NOLAN, Town Clerk

Attachments: May 28, 2023, Final Draft Report
July 31, 2023, Final Draft Report
Red-Line Revisions to the Town Charter

Delivered via email

July 31, 2023

Board of Selectmen
Town of Granby
15 North Granby Road
Granby, Connecticut 06035

Re: Charter Revision Commission

Dear Selectmen:

The Charter Revision Commission (the "Commission") is in receipt of your memo dated July 18, 2023 regarding action taken by the Board of Selectmen ("BoS") at their meeting of July 17, 2023 regarding the Commission's recommended revisions to the Granby Town Charter (the "Charter") outlined in our letter dated May 28, 2023 and presented to the BoS on June 20, 2023.

Your memo directs the Commission to reconsider recommendations for the following sections: proposed Section 3-1(b) General Powers and Duties, proposed Section 3-11(a) Conflict of Interest and Section 11-3(c) When a Town Meeting is Required.

The Commission met on July 26, 2023 to review and discuss your charge to reconsider our original recommendations of the three sections mentioned in the preceding paragraph. The following are our recommendations based on consensus from commission members and legal guidance from our Town Attorney. Attached for your reference is a red-line draft reflecting proposed Charter changes and a revised draft Charter.

Specific modifications from original recommendations for Charter revision

Section 3-1(b) General Powers and Duties: Inserted the word "Town" to clarify the intent only applies to municipal elected positions. We recommend the revised language.

Section 3-11 Conflict of Interest: After reviewing section and consulting with our Town Attorney, additional language is inserted to clarify that no conflict of interest occurs when a decision applies to the broader community. The drafted language is based on CGS 7-148h. We recommend the revised language.

Section 11-3(c) When a Town Meeting is Required: Due to a recent change in state law that prohibits any changes to Town Charters regarding the sale of town owned property, the original recommendation to require the sale of any town owned real estate to be approved by those eligible to vote at referenda is removed. We recommend the revised language.

The above stated modifications together with the recommendations included in our May 28, 2023 letter represent our comprehensive recommended revisions to the Granby Town Charter.

The Charter Revision Commission is available to answer any questions at your convenience.

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Regards

Charter Revision Commission

Edward Ohannessian, Chairman

Anthony McGovern, Vice Chairman

Francis Brady, Commissioner

Rebecca Brewer, Commissioner

Anthony Cappelli, Commissioner

Lynn Guelzow, Commissioner

Terri-Ann Hahn, Commissioner

Mark Lockwood, Commissioner

Benjamin Perron, Commissioner

Attachments: Granby Town Charter (red-line reflecting proposed changes)

Granby Town Charter (revised version)

Delivered via email

May 28, 2023

Board of Selectmen
Town of Granby
15 North Granby Road
Granby, Connecticut 06035

RECEIVED
TOWN CLERK
GRANBY, CT

2023 MAY 28 A 7:56

Re: Charter Revision Commission

Dear Selectmen:

The Charter Revision Commission (the "Commission") has completed its assigned charge to consider revisions to the Granby Town Charter (the "Charter") as deemed appropriate, and is respectfully submitting our report of recommendations.

The recommendations are based on consensus from commission members with consideration of comments received from citizens during two public hearings, regularly scheduled meetings and written submissions. All public comments were reviewed and taken into consideration. We also solicited comments from various town boards. In addition, our Town Attorney provided guidance on selected issues and reviewed the entire revised draft Charter document.

Attached for your reference is a red-line draft reflecting proposed Charter changes and a revised draft Charter document.

General items recommended for Charter revision

Consideration was given and we recommend capitalizing certain terms throughout the Charter, including: General Statutes, Constitution, Selectmen, and Town Meeting.

Consideration was given and we recommend clarifying certain terms throughout the Charter, including: State of Connecticut Constitution, and plan of conservation and development.

Consideration was given and we recommend modifying various terms to be gender neutral.

Consideration was given and we recommend including references to the General Statutes throughout the Charter where appropriate to clarify any misunderstanding or conflict.

Consideration was given and we recommend adding, substituting or inserting certain terms throughout the Charter, including: First Selectwoman, Town Manager, appointed officials, Boards and Commissions, Town Attorney, and Chief of Police.

Specific recommendations for Charter revision

Section 2-4 Eligibility for Office: Consideration was given to clarify that any person elected or appointed to a board or commission must be a resident elector. A resident elector is a person who is both a resident of Granby and a registered voter in Granby. We recommend the revised language.

Section 2-5 Breaking a Tie: Consideration was given to clarify that breaking an election tie would be governed by Section 9-332 of the General Statutes thereby eliminating any conflicts with election law. We recommend the revised language.

Section 3-1 General Powers and Duties: Consideration was given to clarify that no individual can hold more than one elected position concurrently. We recommend the revised language.

Section 3-4 Board of Selectmen: Consideration was given to add the term First Selectwoman and Selectwomen. Consideration was given to clarify the conduct of the election shall be governed by the General Statutes. Consideration was given to clarify that votes attained by the unsuccessful candidate for First Selectman or Selectwoman will be counted as votes in the election for members of the Board of Selectmen. Consideration was given to increasing the number of votes (currently 2) cast by electors to equal the number of the number of seats (four) on the Board of Selectmen. We recommend the revised language.

Section 3-8 Zoning Board of Appeals: Consideration was given to combine Section 3-9 Zoning Board of Appeals Alternates with existing Section 3-8. No change to definition, intent or content was made. We recommend the revised language.

Section 3-9 Planning and Zoning Commission: Consideration was given to eliminate the language regarding staggered terms for alternate members. The language is no longer required as the initial terms creating ongoing staggered terms have been established. We recommend the revised language.

Section 3-11 Conflict of Interest: Consideration was given to updating the conflict of interest language and require disclosure of such conflict of interest as necessary. Consideration was given to reducing the waiting period to be appointed or hired by the town to six months to reflect current employment market conditions. We recommend the revised language.

Section 4-2 The First Selectman: Consideration was given to expanding time period from 90 days to 120 days in which the First Selectman or First Selectwoman can assume the responsibilities of the Town Manager in their absence. We recommend the revised language.

Section 4-6 Petition for Overrule of Action by the Board of Selectmen: Consideration was given to requiring a machine vote on the sole question of overriding any ordinance, resolution, or vote and clarified action to taken upon certification of the machine vote. We recommend the revised language.

Section 4-7 Coordination: Consideration was given to expanding to the general public those eligible to submit suggestions and comments at the meeting. We recommend the revised language.

Section 5-1 Board of Finance: Consideration was given to eliminating reference to Section 3-11 Conflict of Interest as all positions in town are subject to Section 3-11. We recommend the revised language.

Section 6-6 Town Attorney: Consideration was given to clarifying that the Town Attorney may be an individual or a law firm. Consideration was given to give the Board of Selectmen the right to select special legal counsel if necessary. We recommend the revised language.

Section 7-1 Appointment: Consideration was given to simplifying the section by stating the Town Manager serves at the pleasure of the Board of Selectmen. We recommend the revised language.

Section 7-2 Vacancy or Disability in the Office of Town Manager: Consideration was given to adding this section to clarify the First Selectman or First Selectwoman's role in the absence of a Town Manager, the appointment of an interim Town Manager and the ability of Town official or former official to be an interim Town Manager. We recommend the revised language.

Section 7-4 Appointments: Consideration was given to clarifying that the Board of Selectmen may vest the appointment of certain positions in the Town Manager. We recommend the revised language.

Section 9-1 The Classified Service: Consideration was given to clarifying the temporary employment period is 90 days. We recommend the revised language.

Section 10-5(b) Hearing - Annual Town Budget: Consideration was given to permit flexibility of the budget process timeline by allowing the public hearing to occur "on or before" the second Monday in April at the discretion of the Board of Finance. The revision does not extend the final budget process deadlines but creates a "on or before" concept to provide flexibility. Copies of the proposed annual budget shall be available by the Thursday noon prior to the Monday budget vote. We recommend the revised language.

Section 10-5(c) Machine Vote: Consideration was given to adjusting the vote to the second Monday after the public hearing. We recommend the revised language.

Section 11-3(a) When a Town Meeting is Required: Consideration was given to clarifying the term current tax levy. We recommend the revised language.

Section 11-3(c) When a Town Meeting is Required: Consideration was given to requiring the sale of any town owned real estate to be approved by those eligible to vote at referenda. We recommend the revised language.

Additional discussion items

In addition to the above specified Charter revision recommendations; the following is a summary of items discussed by the commission that were deemed not appropriate for inclusion in the Charter but worthy of discussion and possible future action by the Board of Selectmen.

Public Input – the general consensus is that all town boards and commissions should provide an opportunity for public input during each meeting.

Ten Year Town Charter Review - the general consensus was the next Charter revision should start earlier (i.e. two years) with an added focus on modernizing the language and format of the Charter.

Planning and Zoning – discussion was held regarding the gathering and consideration of input from various town boards in the consideration of approval of new developments, building, etc. Input could include economic impact, quality of life, safety, strategic, traffic, etc. The commission recognizes the strict regulations surrounding P&Z activities.

Board of Ethics - discussion was held regarding the formation of an ethics commission in conjunction with our discussion and recommendation for revising Section 3.11 Conflict of Interest. The Board of

Selectmen has the authority to establish an ethics commission and could choose to establish one if deemed appropriate.

Notice of Town Meetings - the general consensus was that there can never be enough notice of Town Meetings and all avenues to alert citizens should be explored and constantly revised as communication methods continually change.

The above is a comprehensive summary of recommended revisions to the Granby Town Charter and some additional items for future policy consideration. The Charter Revision Commission respectfully delivers the Granby Town Charter revision recommendations per our charge and is available to discuss at your convenience.

Regards

Charter Revision Commission

Edward Ohannessian, Chairman

Anthony McGovern, Vice Chairman

Francis Brady, Commissioner

Rebecca Brewer, Commissioner

Anthony Cappelli, Commissioner

Lynn Guelzow, Commissioner

Terri-Ann Hahn, Commissioner

Mark Lockwood, Commissioner

Benjamin Perron, Commissioner

Attachments: Granby Town Charter (red-line reflecting proposed changes)

Granby Town Charter (revised version)

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Working Draft as of July 26May-2411, 2023



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[page numbers will be updated as/if required in the final version]

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 Constitution (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 sConstitution and the gGeneral sStatutes of the State of Connecticut.

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.

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 gGeneral sStatutes 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

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~~their 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 board or commission~~, office in the Town.

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 in accordance with Section 9-332 of the General Statutes, ~~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.

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 ~~g~~General ~~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 ~~g~~General ~~s~~Statutes where applicable.

CHAPTER 3

ELECTIVE OFFICERS

Section 3-1

GENERAL POWERS AND DUTIES.

(a) Except as otherwise provided in this Charter, all elective Town officers, boards and commissions shall have the powers and duties prescribed by law.

(b) No individual can hold more than one elected Town position concurrently.

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 ~~s~~Section 9-189a as amended of the ~~g~~General ~~s~~Statutes.

Section 3-4

BOARD OF SELECTMEN.

(a) At each biennial election there shall be elected a First Selectman or First Selectwoman and four other Selectmen or Selectwomen as 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 selectman shall be governed by the ~~g~~General ~~s~~Statutes except as otherwise specifically provided in this Charter.

(b) The counting of votes cast for the office of First Selectman shall be governed by the General Statutes Section 9-188, and votes cast for any unsuccessful candidate(s) for the office of First Selectman shall be counted as votes for themhim/her as a member of the Board of Selectmen.

(c) Notwithstanding the provisions of the As permitted by General Statutes Section 9-188, at each biennial election, each elector shall be entitled to cast votes equal to the number of seats on the Board of Selectmen.

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 gGeneral sStatutes, 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.

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.

Section 3-8

ZONING BOARD OF APPEALS.

(a) 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.

(b) 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.

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.~~

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.

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 First Selectwoman or ~~his~~their representative.

Section 3-1211

CONFLICT OF INTEREST

~~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.

(a) Any elected or appointed Town officer, official or employee, including any member of any Town board or commission, and any Town employee who has a financial interest, direct or indirect, in any contract, transaction or decision of any agency, agent, officer, board or commission of the Town, to which the Town is a party, shall as soon as such financial interests shall appear to him/her/them disclose the nature and extent of that interest in writing to the Board of Selectmen which shall record such disclosure upon the official record in the office of the Town Clerk. Any such person does not have a financial interest that is in substantial conflict with the proper discharge of that person's duties in the public interest, and of the person's responsibilities as prescribed by the this charter and the laws of this state, if any benefit or detriment accrues to the person, (including the person's spouse or dependent child, or a business with which they, their spouse or such dependent child is associated with as a member of a profession, occupation or group) to no greater extent than to any other member of such profession, occupation or group.

(b) Except as noted in Section 7-42, no elected town official may be appointed to or hired for any paid position with the town or may enter into any contract with the town for a period of ~~one year~~ six (6) months following ~~his~~ their last day in office. The restrictions outlined herein are subject to the provisions of section 7-421 of the ~~g~~General sStatutes.

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.

Section 4-2

THE FIRST SELECTMAN or SELECTWOMAN. The First Selectman or First Selectwoman shall be chairman of the Board of Selectmen and shall preside over all meetings of the Board of Selectmen, and ~~He~~ shall be an ex-officio member, without vote, of all other Town boards, commissions and committees. ~~He~~ The First Selectman or First Selectwoman shall be the official head of the Town for all ceremonial and military purposes. In the absence of the Town Manager, ~~he~~ the First Selectman or First

Selectwoman shall exercise the authority and perform all the duties of the Town Manager for a period not to exceed 90 one hundred twenty (120) consecutive days, except as otherwise specifically provided in this Charter. During ~~his~~ the absence or disability of the First Selectman or First Selectwoman ~~his~~ their 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.

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 ~~g~~General ~~s~~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 ~~g~~General ~~s~~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 provided 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, after the filing of the petition, and notice thereof shall be given in the manner provided by the ~~g~~General sStatutes for the calling of a special Town meeting.

(c) A machine vote for a yes or no vote shall be held on the sole question of overriding any An ordinance, resolution or vote so referred seven days from the close of the special Town meeting. If that day is a holiday, then the vote shall be held on the next day. -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 not take 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 public~~ may submit suggestions and comments for consideration by the appropriate official, board, commission or committee.

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 3-112 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 gGeneral sStatutes except as provided in this Charter.

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 gGeneral sStatutes.

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.

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 gGeneral sStatutes 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.

Section 6-6

TOWN ATTORNEY.

(a) The Town attorney shall be an individual attorney admitted to practice law in the State of Connecticut or a law firm so engaged with principals who are admitted to practice law in the State of Connecticut, at law admitted to practice law in this state. He ~~The Town Attorney~~ 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~~The Town Attorney shall have the 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.

(b) 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.

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 the General Statutes, this Charter, or any ordinances.

Section 6-8

TREASURER. Duties of the treasurer shall be as provided in section 7-80 of the gGeneral sStatutes.

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 be the chief executive officer and shall be chosen ~~exclusively~~ on the basis of ~~his~~their administrative qualifications, character and experience. The Town Manager shall serve at the pleasure of the Board of Selectmen. ~~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.~~

Section 7-2

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 or First Selectwoman, in addition to their other duties as First Selectman or First Selectwoman, shall exercise the authority and perform all the duties of the Town Manager as First Selectman or First Selectwoman for up to one hundred twenty (120) consecutive days from the time of the vacancy. The First Selectman's or First Selectwoman'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 a vacancy in the office of Town Manager due to 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 3-11 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 six (6) months ago, or any person holding 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 any person holding an 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~~ the Town Manager and shall supervise and direct the same. ~~He~~ The Town Manager 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~~ their office and it shall be ~~his~~ the Town Manager's 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~~ the Town Manager 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~~ them 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~~ them 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, ~~C~~ hief of ~~P~~ police, a tax collector, an assessor, who shall be duly qualified, a director of health, in accordance with section 19a-200 of the ~~g~~ General ~~s~~ Statutes, a fire marshal and such other administrative officials or committees as may be necessary or proper for the general welfare of the Town. The Board of Selectmen may vest the appointment of any or all of such positions, officials or committees, as they think ~~deem 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.

Section 7-54

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 gGeneral sStatutes 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 gGeneral sStatutes 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.

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 gGeneral sStatutes 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 gGeneral sStatutes, a Town Cehief of Ppolice 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 chief of police shall hire and may remove an animal control officer. The Cehief of Ppolice shall assign all members of the department, including an animal control officer, to their respective posts, shifts, details and duties. HeThe Cehief of Ppolice shall make rules and regulations concerning operation of the department and the conduct of all officers and employees thereof. He and 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 Cehief shall be grounds for dismissal or for other appropriate disciplinary action. The Cehief of Ppolice 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 ~~hethe~~ Cehief of Ppolice 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.

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 ninety (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~~their 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~~they chooses and to express ~~his~~their opinions on political subjects and candidates and shall be 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~~that employee 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

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 ~~g~~General sStatutes 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~~them a detailed estimate of the expenditures to be made by ~~his~~their 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.

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~~the Town Manager's 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.

(b) **HEARING - ANNUAL TOWN BUDGET.** The Board of Finance shall hold a public hearing on ~~the 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 Monday preceding the day of the budget vote. ~~third Monday in April.~~

(c) **MACHINE VOTE.** A machine vote shall be held on the proposed annual Town budget on ~~the the second Monday after conclusion of the public hearing on the budget fourth Monday in April, for 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.

(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 ~~g~~General ~~s~~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~~them 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 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 their removal.

Section 10-7

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

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 gGeneral statutes.

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 gGeneral 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 First Selectwoman or his-their 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 current Tax 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 current Tax 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 mMeeting 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.

(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) ~~Any sale of real estate in fee simple of the Town used or reserved for Town purposes and, a~~ After approval by the Board of Finance, any resolution appropriating 3 percent of the ~~Grandcurrent Tax~~ 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 current Tax~~ 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 for a referendum ~~qualified to vote in at such Town mMeeting~~ on the seventh day thereafter for a "yes" or "no" vote between the hours established for referenda in accordance with the ~~gGeneral s~~Statutes as amended. Absentee ballots for the vote shall be available at the office of the Town Clerk. The form of voting may be by voting machine or paper ballot at the discretion of the Board of Selectmen. The voting machine ballot 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 ~~m~~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 ~~gGeneral s~~Statutes as amended, any appointive officer or employee or appointive member of a board or commission may be removed by the authority which appointed ~~himthem~~, provided he-such person shall first be given notice in writing of ~~his~~their 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~~that person's 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.

(b) 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 gGeneral sStatutes 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.

Section 12-4

AMENDMENT OF THIS CHARTER. This Charter may be amended in the manner prescribed by the gGeneral sStatutes. 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 gGeneral sStatutes.

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 67, 201223 in the manner prescribed by section 7-191 of the gGeneral sStatutes.