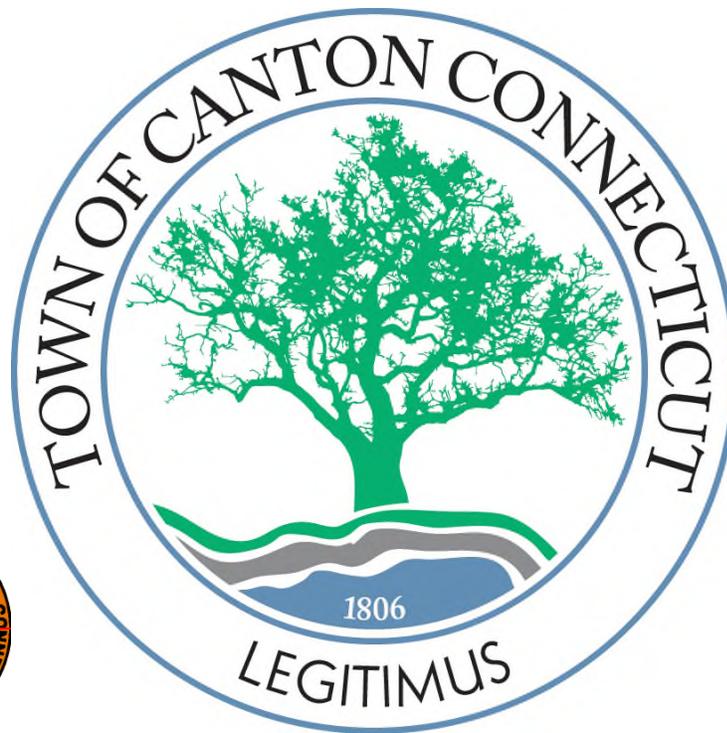


# TOWN OF CANTON, CT

## CHARTER



Revision Adopted November 53, 201909

Revision Effective January 1, 202010

Further amended effective 12/8/2011: sections 5.03 & 6.01

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**ARTICLE 1 - THE CHARTER**

**SECTION 1.01 AUTHORIZATION AND PURPOSE**

This revised version of the Charter (“Charter”), which has been enacted in accordance with the provisions of Chapter 99 of the General Statutes of Connecticut, as ~~amended revised, (“General Statutes”)~~ is the organic law of the Town of Canton (“Town”) and is intended to provide for the administration of the Town’s affairs.

**SECTION 1.02 APPLICABLE LAWS**

Matters of administration of the Town’s affairs not provided for by this Charter, ~~or not provided for~~ by lawful resolution or by Ordinance ~~adopted by the Town,~~ shall be governed by the General Statutes and, to the extent that any existing Special Act of Connecticut (“Special Act”) applicable to the Town is ~~not not~~ inconsistent with the provisions of this Charter, by said Special Act.

**SECTION 1.03 DEFINITIONS**

~~When used in~~ In this Charter, ~~and as the context may require,~~ the following terms and phrases shall have the meanings indicated here, except as otherwise prescribed by an applicable provision of the General Statutes:

Agency ~~This term includes~~ Agency means all Town agencies, authorities, boards, commissions, and committees (including *ad hoc*, temporary, and advisory committees), except where the context denotes a reference to a specific body or entity only. ~~However, the word “Agency” but shall not include the Board of Education, except in instances where specific reference to the Board of Education is expressly made and plainly intended, except in instances where specific reference to the Board of Education is expressly made and plainly intended.~~

Elector ~~An Elector is a~~ Elector means a United States citizen who is a bona fide resident of the Town and who is admitted to vote at Town Meetings and at regular or special Town elections.

General Statutes

Official ~~Official~~ means ~~This term refers to~~ any natural person holding elective or appointive Town office ~~including~~, whether paid or unpaid, part-time or full-time, including regular and shall include members and alternate members of Agencies.

|                       |   |
|-----------------------|---|
| Ordinance             | <del>An "Ordinance" means</del> is a permanent local law, municipal rule, or regulation of general applicability adopted pursuant to a delegation of power from the State under the <del>provisions of</del> General Statutes <del>Sections 7-148 and 7-157, as revised.</del>  |
| Person                | <del>"Person" means</del> This term includes any natural person, partnership, corporation, limited liability company, association, or other <u>legally recognized</u> entity.   |
| Petition              | <del>A</del> Petition <del>is</del> <u>means</u> a written document presenting a request <del>or demand</del> by a designated number of Electors <del>and/or</del> Voters on a form prescribed by the Town Clerk and signed as prescribed by the General Statutes.  |
| Publication of Notice | Publication of Notice <del>is the provision to</del> <u>means providing</u> the public <u>with</u> <del>of</del> a copy of: an announcement, <u>a</u> notice, <u>a</u> call of a meeting, <u>a</u> report, <u>or an</u> Ordinance, <del>or other official document.</del> Except as otherwise required by this Charter or by <u>law the General Statutes</u> , the copy <del>of the document</del> may be provided <del>by</del> <u>in any of the following ways:</u> (a) <u>its</u> by publication in a newspaper having circulation in the Town; (b) <u>its</u> by publication on the Town's website; (c) <u>its</u> by posting <del>the document</del> at a place <del>or places</del> , accessible to the public, as <u>designated by</u> the Board of Selectmen; <del>may designate,</del> <u>and</u> or (d) <u>its</u> by publication in such other manner as <u>required by</u> the General Statutes, <del>may require.</del> <u>Alternatively,</u> <u>Publication may be made,</u> <del>as allowed by General Statutes,</del> by <u>provision of providing</u> a summary <del>of the document</del> authorized by the Board of Selectmen. <u>Such summary</u> <del>The summary of the document shall,</del> <u>including include</u> a statement that the <u>full</u> official text <del>of the document</del> is available for inspection at the office of the Town Clerk or, <u>when requested</u> <u>upon request</u> , by mail. |
| Special Act           | <del>Special Act means</del> This term refers to legislation enacted by the State's General Assembly which applies to a specific situation or designated set of circumstances, rather than law having general application.  |
| Town                  | <del>This term refers to the</del> <u>Town means the</u> Town of Canton as a geographical and political entity and, unless the context indicates otherwise, including all political subdivisions and Agencies, including the Board of Education.  |
| Town Meeting          | <del>Town Meeting means</del> <u>The Town Meeting is</u> the form of government, existing in the Town <del>of</del> <u>Canton</u> , in <del>Meeting</del> which certain authority for administration of the Town's business <u>and</u> <del>affairs</del> is held by the Electors <u>/Voters</u> of the Town. <u>The Electors/Voters</u> convened in a formal meeting, <del>at which votes on</del> <u>and vote on</u> issues <del>are decided and voted upon</del> in accordance with <del>a</del> <u>the</u> Charter <del>allowed by</del> and <del>conforming to</del> the General Statutes <del>of the State</del> . When used in this <del>Charter document</del> , the term <del>generally</del> refers to such <u>duly called</u> meetings of  |

the Electors/~~Voters, duly called, whether for including an the~~ Annual Town ~~Meeting, Meeting to act upon matters generally, an the~~ Annual Budget ~~Hearing, and/Meeting to act upon a budget for the Town, or, when necessary, or~~ a Special Town Meeting ~~to act upon specific issues requiring attention before the next Annual Town Meeting.~~

Voter ~~A Voter is~~ Voter means a natural person entitled to vote at Town Meetings but not at ~~regular or special~~ Town elections as specified in the General Statutes, Section 7-6 as may be revised from time to time.

## ARTICLE II - THE TOWN

### SECTION 2.01 INCORPORATION

~~After the effective date of this Charter, t~~The Town shall, ~~after the effective date of this Charter,~~ continue as a body politic and corporate, with perpetual succession within the Town's territorial limits as lawfully defined.

### SECTION 2.02 POWERS

The Town shall have all of the powers and privileges conferred upon ~~it the Town~~ by this Charter and all powers proper, incidental, or convenient to the exercise of such powers, including the full power to implement this Charter and carry out the purposes and policies thereof by resolution, and/or Ordinance and/or administrative action. Except to the extent otherwise lawfully provided by this Charter, the Town shall have all of the powers and privileges heretofore or hereafter conferred upon the Town by the Constitution of the State of Connecticut, by the General Statutes, and by the Special Acts ~~that are~~ applicable to the Town. The Town shall have all ~~of~~ the powers incident to the management of ~~it the Town's~~ property, government, and affairs including, but not limited to, the capacity and power to enter into contracts with the United States, and any federal agency thereof, and the State of Connecticut, and any political instrumentality thereof, and any ~~other~~ Person for ~~any~~ purposes ~~that are~~ not prohibited by law.

### SECTION 2.03 LEGISLATIVE BODIES

The legislative bodies of the Town shall be ~~a combination of~~ the Town Meeting and the Board of Selectmen, as authorized by ~~General Statutes, Section 7-193(a)(1) of the Connecticut General Statutes, as that Section may from time to time be revised,~~ as each of such bodies has heretofore been constituted. The Town Meeting and the Board of Selectmen, respectively, shall have such legislative powers as are expressly conferred by this Charter and as are allowed by the General Statutes. The legislative powers of the Town Meeting shall include, but not limited to, those powers set forth in Article III of

this Charter. The legislative powers of the Board of Selectmen shall include the power to enact, amend, or repeal Ordinances as provided in Article IV of this Charter; the power to accept gifts to the Town as provided in Article VI of this Charter; and the power to act upon grants which require the action of the legislative body of the Town and to issue tax anticipation notes as provided in Article IX of this Charter.

## **SECTION 2.04 EXISTING LAWS AND ORDINANCES**

Resolutions and Ordinances that have been enacted by the Town prior to the effective date of this Charter shall remain in full force and effect except to the extent that any such resolution or Ordinance is inconsistent with or in conflict with the provisions of this e Charter. In such ~~a~~ case, any such inconsistent or conflicting resolution or Ordinance is hereby rescinded. The rescission of any such inconsistent or conflicting resolution(s) or Ordinance(s) shall be deemed to have taken place as of the effective date of this Charter and shall be duly noted in the Town's records regarding the resolutions and the Ordinances that have been adopted by the Town.

## **ARTICLE III - TOWN MEETING**

### **SECTION 3.01 MEMBERS OF THE TOWN MEETING**

Members of the Town Meeting shall be Electors of the Town and all others entitled by the General Statutes to vote at Town Meetings.

### **SECTION 3.02 PUBLICATION OF NOTICE**

At least five (5) calendar days prior to a Town Meeting (~~excluding the day that the notice is published and the day of the meeting, not counting as one (1) of said five (5) days the day that the meeting is to be held~~) the Board of Selectmen shall prepare and cause to be published a notice of the date, time, place, and call of the meeting in accordance with the definition of "Publication of Notice" in Section 1.03 of this Charter, on the Town's website and in such other manner as may be required by the General Statutes, and shall cause such notice to be posted at such place or places, accessible to the public, as may be designated by the Board of Selectmen for this purpose. The ~~notice~~ call of the meeting shall include either the complete text of the items of business or Ordinance(s) to be considered, or a reference to such items of business or Ordinance(s) and a statement that a copy of the complete text of such items of business or Ordinance(s) is available at the office of the Town Clerk.

### **SECTION 3.03 MODERATOR**

A moderator appointed pursuant to this section shall preside at all Town Meetings and shall conduct such meetings in accordance with Robert's Rules of Order. The Town Meeting moderator and three (3) alternates, each ~~of whom shall~~ serve for a two (2) four (4)-year term, shall be appointed by majority vote of the Board of Selectmen, in compliance with statutory requirements for minority representation, ~~by majority vote of the Board of Selectmen~~ E, and each may be discharged by such a majority vote. The

Town ~~Meeting moderator~~ Clerk shall designate which alternate shall presides at a Town Meeting in ~~his or her~~ the Moderator's absence.

### SECTION 3.04 ANNUAL TOWN MEETING

~~There shall be an~~ Annual Town Meeting shall be held each year in the month of January on a date established by the Board of Selectmen for the purpose of presenting the Annual Report, as described in Section 7.03I of this Charter. Such Annual Town Meeting may be included as part of a regular or special meeting of the Board of Selectmen. The Annual Town Meeting shall be held on the third (3<sup>rd</sup>) Wednesday in January. Any other item of general interest to the Town may be ~~discussed at the Annual Town Meeting placed on the call of the meeting of the~~ Items may be placed on the call of the meeting of the Annual Town Meeting either by vote of a majority of the members of the Board of Selectmen or by the filing of a Petition signed by fifty (50) Persons eligible to vote at a Town Meeting requesting that an item be placed on the call of the meeting. ~~In order to be considered, any such~~ Such Petition shall be filed with the Town Clerk no later than December 15 of the prior calendar year, at least twenty one (21) days prior to the Annual Town Meeting. A consensus non-binding vote may be taken on any item on the call of the Annual meeting at the Town Meeting.

### ~~SECTION 3.05~~ ANNUAL BUDGET MEETING

~~**A. Date and Quorum Requirement**—An Annual Budget Meeting to vote on the Town budget recommended by the Board of Finance shall be held at a time and date during the month of May determined by the Board of Finance. The presence of one hundred fifty (150) Voters as determined by the Registrars of Voters immediately prior to taking the vote shall be required to constitute a quorum.~~

~~**B. Approval by Town Meeting**—By vote at the Annual Budget Meeting, any appropriation or item in an appropriation may be decreased or deleted, but no appropriation or item in an appropriation may be increased or added. The vote on the budget shall be by secret ballot. In the event that the budget is not approved by vote of a majority of persons qualified to vote at an Annual Budget Meeting at which a quorum is present, then the budget shall be returned to the Board of Finance for review, adjustment and revision and the Annual Budget Meeting shall be adjourned to a date not later than twenty one (21) days subsequent thereto, to be set by the Board of Finance. The Board of Finance shall then present the budget to the adjourned Annual Budget Meeting in accordance with this Section of the Charter and, if necessary, the process set forth in this Section shall be repeated until a budget is approved.~~

~~**C. Provision for Referendum**—In the event that a quorum shall not exist, the vote on the proposed budget shall be conducted by a referendum. A referendum shall also be required in the event that a Petition to approve the budget by referendum vote is signed by one hundred fifty (150) Persons qualified to vote at Town Meetings and is filed with the Town Clerk not later than the close of business on the fifth (5<sup>th</sup>) day prior to the Annual Budget Meeting. The date of the referendum shall be set by the Board of Selectmen so as to occur not less than seven (7) nor more than fourteen (14) days after~~

~~the date of the Annual Budget Meeting. The referendum shall be held from 6:00 a.m. until 8:00 p.m. Any succeeding budget shall be submitted to referendum.~~

~~**D. Finality of Approval**—When the budget is approved either by secret ballot at the Annual Budget Meeting or by referendum, such action shall be final and may not be rescinded.~~

~~**E. Provision in the Absence of Budget Approval**—In the event that no budget has been adopted by the twentieth (20<sup>th</sup>) day of June next succeeding the date of the Annual Budget Meeting, the Board of Finance shall make a rate bill upon the Grand List last completed sufficient, in addition to the other estimated yearly income of the Town, to pay the next fiscal year's estimated expenses and deficit of the Town at the end of the current fiscal year, and shall cause such amount to be collected as other taxes. The mill rate so established by the Board of Finance shall continue until such time as a new budget shall be approved.~~

### **SECTION 3.06 SPECIAL TOWN MEETING**

A. Special Town Meetings may be called from time to time by the Board of Selectmen and as required by this Charter.

B. A Special Town Meeting shall be required for the purpose of taking action on the following:

- (1) Special Appropriations (~~Charter Section 9.03~~ CE of this Charter);
- (2) Approval of Grants (~~Charter Section 9.03 I~~) beyond the purview of the Board of Selectmen, Board of Education, or Board of Finance (Section 9.03F of this Charter);
- (3) Obligations of the Town in excess of \$100,000 or as required by the General Statutes; or
- (4) Any matter called by Petition to a Special Town Meeting (~~Charter Sections 3.07 or 3.08~~ of this Charter).

### **SECTION 3.07 PETITION FOR A SPECIAL TOWN MEETING ON NEW ITEM**

Whenever a Petition signed by a number equivalent to 5% of the Electors ~~one hundred fifty (150) Persons entitled to vote at a Special Town Meeting~~ is filed with the Town Clerk requesting that a new item be considered at a Special Town Meeting, the Board of Selectmen shall place the petitioned item on the call of a Special Town Meeting to be held within twenty-eight (28) days after the date of receipt of the Petition. Any vote on a petition item shall be non-binding and advisory only, non-binding, and shall be taken under consideration by the Board of Selectmen. No petition item shall regard personnel issues. Affirmative action on the petitioned item shall require a majority vote of the members of the Town Meeting present at the Special Town Meeting, ~~but not less than seventy five (75) affirmative votes at the Special Town Meeting.~~

**SECTION 3.08      PETITION FOR SPECIAL TOWN MEETING  
TO RECONSIDER ITEM PREVIOUSLY VOTED**

~~A. Anyone~~ An Elector or Voter seeking reconsideration of an item previously voted by a ~~legislative body~~ legislative body Town Meeting shall notify the Town Clerk in writing within ~~two (2) business days after the votes have been posted, forty-eight (48) hours after the time of the vote on the item requested to be reconsidered.~~ A Petition for such reconsideration shall be filed with the Town Clerk within fifteen (15) days from the date of the vote on the item to be reconsidered. ~~No Petition for reconsideration shall be accepted with regard to an item that was previously voted by referendum vote.~~ ~~The~~ Petition ~~requesting reconsideration of an item previously voted by at a Town Meeting~~ shall be acceptable if signed by the number equivalent to 5% of the Electors. the greater of: (a) two hundred fifty (250) Persons entitled to vote at Town Meetings, or (b) a number of Persons greater than the number that voted on the prevailing side of the prior vote, if the prior vote count is known. Upon receipt of an acceptable Petition, the Town Clerk shall deliver the same to the Board of Selectmen. Upon receipt of the Petition by the Board of Selectmen, the Board shall place the item to be reconsidered on the call of a Special Town Meeting, and such Special Town Meeting shall be held within twenty-eight (28) days after the Board's receipt of the Petition. Affirmative action on the petitioned item shall require a majority vote, but not less than ~~one hundred and twenty five~~ two hundred (+25200) affirmative votes at the Special Town Meeting.

~~B. No Petition for reconsideration shall be accepted with regard to an item that was previously voted by referendum vote.~~

**ARTICLE IV - ORDINANCES**

**SECTION 4.01      GENERAL PROVISIONS AND POWERS**

The Board of Selectmen and the Town Meeting, ~~each~~ shall, ~~each~~ have the power: ~~to (1) to~~ enact Ordinances except as provided hereinafter and not inconsistent with this Charter or the General Statutes, and ~~(2) shall have the power~~ to amend or repeal all Ordinances.

**SECTION 4.02      PUBLIC HEARING AND NOTIFICATION**

A. The Board of Selectmen shall hold a public hearing prior to ~~the Board's~~ taking action on any Ordinance. Such hearing may coincide with the Board's regularly scheduled meetings. ~~Notice of any such public hearing shall be in compliance with Section 4.03 of this Charter.~~ At least five (5) calendar days prior to the public hearing (excluding the day that the notice is published and the day of the hearing), the Board of Selectmen shall prepare and cause to be published a notice of the date, time, place, and call of the hearing in accordance with the definition of "Publication of Notice" in Section 1.03 of this Charter. The notice shall include either the complete text of the Ordinance(s) to be considered, or a reference to such Ordinance(s) and a statement that a copy of the complete text of such Ordinance(s) is available at the office of the Town Clerk.

B. The Board of Selectmen may adopt an Ordinance, defer taking action on any Ordinance, adjourn to a public hearing on such action, or refer the adoption, amendment or repeal of the same to a Town Meeting. ~~An Ordinance adopted by the Board of Selectmen may be subject to reconsideration by the filing of a Petition in accordance with Section 3.08 of this Charter.~~

C. ~~Within fifteen (15) days of passage, a~~All Ordinances shall be published on the Town's website and in such other manner as may be required by the General Statutes, ~~within fifteen (15) days of passage,~~ and shall be in full force and effect upon publication or as specified in the Ordinance.

~~SECTION 4.03 — PUBLICATION OF NOTICE~~

~~At least five (5) calendar days prior to the public hearing (not counting as one (1) of said five (5) days the day that the meeting is to be held) the Board of Selectmen shall prepare and cause to be published notice of the date, time, place and call of the meeting on the Town's website and in such other place or places, accessible to the public, as may be designated by the Board of Selectmen for this purpose. The Board of Selectmen shall prepare the Publication of Notice as defined in this Charter Section 1.03. The call of the meeting shall include either the complete text of the Ordinance(s) to be considered, or a reference to such Ordinance(s) and a statement that a copy of the complete text of such Ordinance(s) is available at the office of the Town Clerk.~~

**ARTICLE V - FIRST SELECTMAN**

**SECTION 5.01 CHIEF EXECUTIVE OFFICER**

The First Selectman is the Chief Executive Officer of the Town and shall preside over all meetings of the Board of Selectmen. The First Selectman shall oversee the affairs of the Town.

**SECTION 5.02 EX-OFFICIO MEMBER**

The First Selectman shall be a non-voting, ex-officio member of all Agencies, other than the Board of Selectmen, that are appointed by the Board of Selectmen or elected by the Town, and shall be a non-voting, ex-officio member of the Board of Education, but shall not be a member of the Board of Ethics.

**SECTION 5.03 EMERGENCY AUTHORITY ~~(eff 12/8/11)~~**

In the event that severe or widespread conditions arise which may affect the general health, safety, or welfare of the townspeople or their property and which make taking immediate action advisable, the First Selectman or, in the absence of the First Selectman, the Deputy First Selectman or, in the absence of both the First Selectman and the Deputy First Selectman another Selectman then appointed by the Board of Selectmen shall be empowered to declare a temporary state of emergency for a period not to exceed one hundred twenty (120) hours. The First Selectman or Deputy First Selectman or other appointed Selectman declaring such state of emergency shall specify the reasons for the declaration and the expected duration of the emergency. In the event that a Selectman, other than the First Selectman or Deputy First Selectman, is appointed by the Board of Selectmen in accordance with this Section and declares a temporary state of emergency, such Selectman shall have and may exercise

the powers and authority of the First Selectman in the absence of the First Selectman and Deputy First Selectman during such state of emergency. After a state of emergency has been declared, the Board of Selectmen shall convene a Board of Selectmen meeting as soon as possible to ratify the emergency declaration and if warranted, to extend the emergency declaration beyond one hundred twenty (120) hours. Due and diligent effort shall be made to give reasonable notice to all members of the Board of Selectmen of the place and time for the Board of Selectmen meeting. Upon a state of emergency having been declared, the Board of Selectmen shall be empowered to adopt such resolutions and Ordinances as it deems necessary under the circumstances. Any resolution or Ordinance adopted by the Board of Selectmen during a declared state of emergency, if not previously repealed or if not continued by Town Meeting action, shall automatically cease to have any force and effect sixty (60) days after enactment.

#### **SECTION 5.04 LABOR AGREEMENTS**

The First Selectman, ~~acting as the Town's Chief Executive Officer,~~ or his or her ~~designee, designee~~ shall negotiate labor agreements for employees under the jurisdiction of the Board of Selectmen's budget.

#### **ARTICLE VI - BOARD OF SELECTMEN**

#### **~~SECTION~~ection 6.01 COMPOSITION**

~~(eff 12/8/11)~~

The Board of Selectmen shall consist of a First Selectman, ~~to be elected for a four-(4)-year term~~, and four (4) other Selectmen, ~~each to be elected for a four-(4)-year term, with two (2) Selectmen being elected at each regular Town Election. -At the Regular Town Election next following the effective date of this Charter, the First Selectman and two (2) members of the Board of Selectmen shall be elected for a term of four (4) years, and the two (2) other members of the Board of Selectmen shall be elected for a term of two (2) years. The term of office for the First Selectman and all other members of the Board of Selectmen elected at all subsequent Regular Town Elections shall be four (4) years. At all subsequent Regular Town Elections a~~ political party may nominate and an Elector may vote for the same number of candidates for the First Selectman and the Board of Selectmen as there are members to be elected to the Board at any election. The votes cast for an unsuccessful candidate for First Selectman shall be counted as votes for that person as a Selectman for a four year term. ~~Excluding the First Selectman, n~~The votes cast for an unsuccessful candidate for First Selectman shall be counted as votes for that person as a Selectman for a four (4) year term. Not more than three (3) members ~~of the Board, excluding the First Selectman,~~ shall be of the same political party. ~~For the purpose of determining minority representation, the total membership of the Board of Selectmen shall not include the First Selectman.~~ The Board of Selectmen shall elect from among its own members; a Deputy First Selectman who shall serve as acting First Selectman during the absence of the First Selectman. No Selectman may hold any other Town office or be an employee or contract employee of the Town, except that a Selectman may be an employee of the Town's Board of Education. For the purpose of this section, the term "Town office" shall not include membership on temporary or advisory Agencies.

#### **SECTION 6.02 MEETINGS**

The Board of Selectmen shall hold at least one (1) ~~regularly scheduled regular~~ meeting per month. Special meetings of the Board of Selectmen may be called at any time by the First Selectmen or by any two (2) Selectmen. The presence of ~~any three three-(3)~~ members of the Board of Selectmen shall constitute a quorum ~~for the transaction of~~

~~business at any regularly scheduled meeting or special meeting of the Board of Selectmen, except as otherwise herein provided. A majority of the votes cast at a meeting of the Board of Selectmen, at which a quorum is present at the time of the vote, shall constitute the act of the Board of Selectmen, unless a greater vote is required by this Charter, or by any Ordinance adopted by the Town, or by a General Statute or by a Special Act that is applicable to the Town. At each regularly scheduled meeting and special every meeting of the Board of Selectmen there shall be set aside a specified time period for public participation during which members of the public may address the Board of Selectmen. The Board of Selectmen shall have an appointed clerk.~~

### SECTION 6.03 GENERAL POWERS OF THE BOARD OF SELECTMEN

~~A. Responsibility and Policy—The Board of Selectmen shall have all of the powers, duties, and responsibilities conferred upon it the Board of Selectmen (i) by this Charter and all of the powers proper, incidental, or convenient to the exercise of such powers; (ii) by any General Statute or any Special Act that is applicable to the Town; and (iii) by any resolution or Ordinance relating to matters within the scope of authority of the Board of Selectmen that is adopted by the Town. The Board of Selectmen shall be responsible for having the Chief Administrative Officer carry out all acts and policies of the Board of Selectmen, and all resolutions and Ordinances that are adopted by the Town.~~

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The Board of Selectmen shall set policy and shall, directly or by granting authority to the Chief Administrative Officer, authorize action on all matters concerning the administration of the Town, except for those matters for which the Town's Board of Education in accordance with the General Statutes is responsible. The Board of Selectmen shall not have policy-making powers relating to land use boards and commissions and shall not have policy-making powers relating to other Agencies and Officials which are inconsistent with the powers granted to such other Agencies and Officials by the General Statutes. The Board of Selectmen shall set policy and authorize action on all matters concerning special revenue funds for recreation and emergency medical services and other such funds that may be from time-to-time established by the Town. The Board of Selectmen shall monitor the current and projected administrative, governmental, and fiscal needs of the Town.

The Board of Selectmen shall be empowered to function as the Town's legislative body as described in Section 2.03 of this Charter.

~~B. Review of Administrative Needs—The Board of Selectmen shall conduct an ongoing review of the current and projected administrative, governmental and fiscal needs of the Town. A summary of this review by the Board of Selectmen shall be published in the Annual Report presented each year to the Annual Town Meeting, as described in Section 7.03 of this Charter.~~

### ~~SECTION 6.04 ANNUAL BUDGET DUTIES AND RESPONSIBILITIES.~~

~~Proposed Budget—The Board of Selectmen shall review a preliminary annual budget presented by the Chief Administrative Officer. It shall be the responsibility of the Board of Selectmen to make adjustments to the proposed budget for departments and Agencies under the Board of Selectmen's jurisdiction which are set forth in such preliminary annual budget and forward to the Board of Finance a final recommended Board of~~

~~Selectmen budget, including estimated income. This recommended Board of Selectmen budget shall be submitted to the Board of Finance on or before the second (2<sup>nd</sup>) Monday in March.~~

~~**B. Redistribution or Transfer of Unexpended Balances**—The Board of Selectmen may, upon request from the Chief Administrative Officer, redistribute or transfer, at any time in any fiscal year, within or between departments and Agencies, unexpended balances in excess of \$5,000 upon majority vote of the Board of Selectmen.~~

## **SECTION 6.05 SPECIFIC POWERS OF THE BOARD OF SELECTMEN**

**A. Employment of Chief Administrative Officer** - The Board of Selectmen shall hire and may discharge a Chief Administrative Officer. A minimum of four (4) votes of the Board of Selectmen shall be required either to hire or discharge a Chief Administrative Officer. The Chief Administrative Officer shall be responsible to the Board of Selectmen for all of his or her actions and shall report to and keep the Board of Selectmen informed on a timely basis regarding all of the duties ~~that are~~ assigned to the Chief Administrative Officer by the Board of Selectmen. The Board of Selectmen shall establish the annual salary of the Chief Administrative Officer.

**B. Appointment of Town Counsel** - The Board of Selectmen shall appoint the Town Counsel for the Town.

**C. Acceptance of Public Roads and Improvements** - The Board of Selectmen, upon the affirmative vote of at least three (3) members~~Selectmen~~, may accept any public improvement or public road ~~or open space or similar real estate interest~~ as provided in the Plan of Conservation and Development, local land use regulations, or General Statutes as may be approved or recommended by the Town's Planning and Commission~~or Zoning Commission~~.

~~**D. Acceptance of Gifts on Behalf of the Town** - The Board of Selectmen, upon the affirmative vote of at least three (3) members, may accept gifts including but not limited to open space or similar real estate interests on behalf of the Town ~~upon the affirmative vote of at least three (3) Selectmen~~. Any gift not accepted by vote of the Board of Selectmen may be accepted by Town Meeting that includes the acceptance of such a gift on the call of the Town Meeting. The ~~Town's~~ Board of Education, upon the affirmative vote of at least five (5) members ~~of the Town's Board of Education~~, may accept gifts on behalf of the Town relating to matters that, in accordance with the General Statutes, are under the jurisdiction of the ~~Town's~~ Board of Education.~~

**E. Disposition of Town Property** - The Board of Selectmen and the ~~Town's~~ Board of Education, respectively, are empowered by this Charter to dispose of Town property under the jurisdiction of the Board of Selectmen and the ~~Town's~~ Board of Education, respectively, having a fair market value of up to \$25,000; disposition of Town property having a fair market value ~~of greater than more than~~ \$25,000, but not exceeding \$50,000, shall require the approval of the Board of Finance. ~~DA~~ disposition of Town property having a fair market value greater than~~which exceeds~~ \$50,000 shall require the approval

by of a Town Meeting. Such dispositions shall be accomplished consistent with the regulations that have been established for this purpose by the Board of Finance, and the proceeds of any such disposition shall be deposited into the Town's general fund. Disposition of real estate shall require a Public Hearing as required under the General Statutes.

**F. Filling of Unexpired Terms on Appointive Agencies** - The Board of Selectmen shall appoint Electors of the Town to fill unexpired terms for all vacancies that may exist on all appointive Agencies for which the Board of Selectmen is the appointing authority.

**G. Removal of Appointees for Cause**

(1) *Appointee Removal for Non-Attendance* - The Board of Selectmen, upon the affirmative vote of at least three members, may remove any regular or alternate member of an appointive Agency if such member is absent from three consecutive regularly scheduled meetings of such Agency or from more than forty percent of the regular and special meetings of such Agency during the preceding twelve months.

(2) *Appointee Removal for Cause* - The Board of Selectmen may remove for cause any regular or alternate member of an appointive Agency, provided that, upon the affirmative vote of at least four members, the Board first notifies such member in writing of its intent to remove the member, the specific grounds for removal of the member, and the opportunity for the member to be heard at a hearing before the Board.

Within seven days after receipt of the Board's notice, the member shall respond in writing to the Board, either requesting a hearing before the Board or declining the opportunity for such hearing. If the member either does not respond within seven days after receipt of the Board's notice or declines the opportunity for a hearing before the Board, the Board shall render its decision within 30 days, and written notice of the decision shall be mailed to the member. If the member requests a hearing before the Board, the hearing shall be held not less than seven days nor more than thirty days after receipt of the member's request and shall be conducted in Executive Session unless otherwise requested by the member. The Board shall render its decision within ten days after the conclusion of the hearing, and written notice of the decision shall be mailed to the member.

Removal of the member shall require the affirmative vote of at least four members of the Board. The decision of the Board shall be final.

From the date of the Board's initial written notice to the member until the date of the Board's decision, the member shall be suspended from the Agency to which he/she was appointed.

**H. Filling of Vacancies of Elective Officials and on Elective Agencies** - The Board of Selectmen shall fill all vacancies of elective Officials until the next Town election, except those vacancies occurring on multi-member elective Agencies. Vacancies on a multi-member elective Agency shall be filled by the remaining members of that Agency until the next Town election. If a vacancy exists for more than forty-five (45) days, the Board of Selectmen shall be empowered to fill the vacancy until the next Town election. The replacement member shall be of the same political party as the vacating member or shall be an unaffiliated Voter. Nothing contained herein, however, shall preclude a special election from being held in accordance with the provisions of the General Statutes to fill a vacancy in an elective office or to fill a vacancy on an elective Agency in lieu of the procedures set forth above for filling such vacancies.

**I. Appointment of Temporary Advisory or Study Committee** - The Board of Selectmen may establish temporary advisory or study committees for a period not to exceed twenty-four (24) months to make recommendations to the Board of Selectmen. The term of any such temporary advisory or study committee may be extended for no more than two (2) six ~~(6)~~-month periods without approval by a Town Meeting ~~approval~~.

~~**J. Funding of New Positions** - No new position (4) Regardless of the sum involved, no new position in any Town department or Agency shall be funded by a transfer of unexpended balances between departments or Agencies or by a redistribution of unexpended balances within a department or Agency unless approved by the Board of Selectmen or Agency without the approval of the Board of Selectmen. Notwithstanding the above, the Chief Administrative Officer may hire an unbudgeted temporary employee with the approval of at least, upon vote and approval of not less than four (4) members of the Board of Selectmen., hire an unbudgeted temporary employee.~~

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~~**K. Annual Report** - The Board of Selectmen shall receive from the Chief Administrative Officer, approve, and make available to the public, an Annual Report. where an unusual and unanticipated condition is found to have occurred.~~

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## **SECTION 6.06 POLICE DEPARTMENT**

There shall be a police department which shall be subject to policies established by the Board of Selectmen. The Chief Administrative Officer shall be responsible for the administration of the police department and shall appoint and promote members of the police department after consultation with the Chief of Police in accordance with policies established by the Board of Selectmen. The Board of Selectmen, after consultation with the Chief Administrative Officer, shall appoint the Chief of Police. The Chief of Police may be discharged by the Board of Selectmen only in accordance with the procedures applicable to such discharge, as which are set forth in the General Statutes.

## **ARTICLE VII - CHIEF ADMINISTRATIVE OFFICER**

**SECTION 7.01 APPOINTMENT**

A Chief Administrative Officer shall be hired by and report to the Board of Selectmen.

**SECTION 7.02 GENERAL POWERS**

The Chief Administrative Officer shall be directly responsible to the Board of Selectmen and shall have responsibility for and authority over both the administration and personnel of all Town departments and Agencies, except the Board of Education or where otherwise provided by the General Statutes, this Charter, or Ordinance. The Chief Administrative Officer shall be an ex-officio member of all appointive and/or elective Agencies, but without power to vote.

**SECTION 7.03 DUTIES**

The duties of the Chief Administrative Officer, as described in this section, shall be performed in accordance with policies established by the Board of Selectmen.

**A. Administration** - The Chief Administrative Officer shall administer and coordinate the operations of all Town ~~the~~ departments and Agencies, whether appointed by the Board of Selectmen or elected, except those functions expressly reserved or delegated to such bodies by law.

**B. Personnel** -- The Chief Administrative Officer shall appoint or hire and may remove or discharge all appointed Town employees and Officials ~~of the Town~~ who receive compensation from the Town for their services, except as specified in Section 1 10.01 of this Charter, ~~and except employees of the Board of Education.~~

**C. Execution of Laws** – The Chief Administrative Officer shall execute and carry out Ordinances, resolutions, regulations and policies enacted or established by the Board of Selectmen or by a Town Meeting and implement any other action that may be authorized by an Agency.

**D. Town Properties and Public Works Operations** – The Chief Administrative Officer shall be responsible for all Town-owned properties ~~owned by the Town~~ and the Town's public works operations including:

- (1) highway and bridge work; and
- (2) administration, operation, maintenance or custodial work, and improvements for any public building and grounds, park, playground and land except those which, pursuant to agreement among the Board of Selectmen, Board of Finance and Board of Education, are under the jurisdiction and responsibility of the Board of Education.

**E. Records and Accounts** - The Chief Administrative Officer shall supervise the maintenance and custody of all Town records and accounts.  
~~-except those of the Board of Education.~~

**F. Contracts** - The Chief Administrative Officer shall contract for any services or materials required by any Town department or Agency. The Chief Administrative Officer shall not contract to expend any money or incur any liability in excess of the amount appropriated for a department or Agency during any budget year without approval of the Board of Selectmen and Board of Finance.

**G. Purchasing Agent** - The Chief Administrative Officer shall be the purchasing agent for all services, supplies, materials, equipment and other commodities required by any Town department or Agency. The Chief Administrative Officer shall carry out bidding and purchasing policies established by the Board of Selectmen.

**H. Reports to Board of Selectmen** - The Chief Administrative Officer shall keep the Board of Selectmen fully advised as to the financial and general condition of the Town. The Chief Administrative Officer shall attend its meetings and may participate in its discussion but without a right to vote.

**I. Annual Report** - The Chief Administrative Officer shall cause an Annual Report to be prepared ~~and published~~ as soon as is reasonable after the close of the fiscal year but in no event later than January 31 of the following year. If the annual Town audit has not been completed by that time, the Annual Report shall clearly indicate that fact. The Annual Report shall contain a list of existing Agencies that have been created by Ordinance as of the published date of the Annual Report. The Annual Report shall include a summation of actions taken by all Town departments and Agencies ~~and departments~~ since the date of the preceding Annual Report.

~~J. In any fiscal year, the Chief Administrative Officer may redistribute approve redistribution of unexpended balances not to exceed \$10,000 in the aggregate in one (1) fiscal year from one (1) from one account to another within a single department, and/or or may transfer sums not to exceed \$10,000 in the aggregate in one (1) fiscal year from one (1) department to another department. Redistributions or and transfers exceeding over \$10,000 in the aggregate shall require approval of the Board of Selectmen. approval.~~  
**SECTION 7.04 — ANNUAL BUDGET DA. Preparation of Budget** — The Chief Administrative Officer shall prepare a preliminary Annual Budget request to include all estimated Town expenditures except the expenditures of the Board of Education. The head of each department and Agency supported wholly or in part from Town funds, or for which a specific Town appropriation is made, shall file with the Chief Administrative Officer on forms provided by the Chief Administrative Officer a detailed estimate of the expenditures to be made by each department and Agency and the estimated revenue, other than tax revenues, to be collected by each in the ensuing fiscal year. This preliminary Annual Budget request shall be forwarded to the Board of Selectmen on or before the second (2<sup>nd</sup>) Monday in February for its review and adjustment.

~~**MTHIS SECTION MOVED TO 7.03(J) B. Redistribution or Transfer of Funds**—The Chief Administrative Officer may approve redistribution of unexpended balances not to exceed \$5,000 \$10,000 in the aggregate in one (1) fiscal year from one (1) account to another within a single department or may transfer sums not to exceed \$5,000 \$10,000 in the aggregate in one (1) fiscal year from one (1) department to another department. Redistribution or transfers over \$5,000 \$10,000 shall require Board of Selectmen approval.~~

**SECTION 7.0504 ABSENCE OF CHIEF ADMINISTRATIVE OFFICER**

In case of disability or temporary absence of the Chief Administrative Officer or vacancy in the office of the Chief Administrative Officer, the Board of Selectmen may designate an acting Chief Administrative Officer, except that the Chief Administrative Officer may designate an acting Chief Administrative Officer for temporary absences not to exceed fifteen (15) days, consistent with policies established by the Board of Selectmen.

**ARTICLE VIII - ELECTIONS AND ELECTIVE OFFICIALS**

**SECTION 8.01 REGULAR TOWN ELECTIONS**

A Regular Town election shall be held in the Town biennially on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in November of each odd numbered calendar year. Special Town elections may be held from time to time as allowed or required by law and this Charter. All elective Officials shall be elected as specified in the General Statutes, and all terms of elective office shall commence as specified in the General Statutes.

**SECTION 8.02 VOTING DISTRICT**

Unless otherwise established by Ordinance, there shall be one (1) voting district in the Town.

**SECTION 8.03 BOARD FOR ADMISSION OF ELECTORS**

There shall be a Board for Admission of Electors which shall consist of the Town Clerk and the two Registrars of Voters. —The duties of this Board shall be as specified in the General Statutes. ~~The Board for Admission of Electors shall be the Town Clerk and the two (2) Registrars of Voters. —The duties of this Board shall be as specified in the General Statutes.~~

**SECTION 8.04 ELIGIBILITY**

-Only ~~an~~ Electors of the Town shall be eligible for election to any Town office. If a person holding an elective office ceases to be an Elector of the Town under the General Statutes, ~~that person he or she~~ shall cease to hold the office, and the office shall be deemed to be vacant as of the date ~~that person he or she~~ ceases to be an Elector of the Town.

**SECTION 8.05 ELECTIVE OFFICIALS**

In addition to the First Selectman, ~~the following there~~ shall be ~~the following~~ elective officials of the Town:

- ~~(a) Registrars of Voters~~
- ~~(b) Such other elected Officials as may be required by Town Meeting or the General Statutes.~~
- a) Members of the Board of Selectmen
- b) Members of the Board of Finance
- c) Members of the Board of Education
- d) Members of the Board of Assessment Appeals
- e) Registrar of Voters
- f) Such other elective Officials as may be required by Town Meeting, Ordinance, or the General Statutes.

**ARTICLE IX - ELECTIVE AGENCIES**

**SECTION 9.01 BOARD OF ASSESSMENT APPEALS**

The Board of Assessment Appeals shall consist of three (3) members, each to be elected for a four-~~(4)~~ year term, and with one (1) member and two (2) members, respectively, each being elected at alternating regular Town elections.

**SECTION 9.02 BOARD OF EDUCATION**

-The Board of Education shall consist of nine (9) members, each to be elected for a four-~~(4)~~ year term, and with four (4) members and five (5) members, respectively, each being elected at alternating regular Town elections. If the number of members to be elected is odd, no Elector shall vote for more than a bare majority of the number and, if the number to be elected is even, an Elector may vote for three (3) such members.

**SECTION 9.03 BOARD OF FINANCE**

-The Board of Finance shall consist of six (6) members, each to be elected for a four-~~(4)~~ year term, and with three (3) members being elected at each regular Town election. Members shall serve without compensation. However, necessary expenses incurred by members of the Board of Finance in the performance of their duties may be paid from an appropriation authorized for that purpose. No member of the Board of Finance shall hold any other Town office ~~in the Town~~ or be an employee or contract employee of the Town. For the purpose of this section, the term "Town office" shall not include membership on temporary or advisory Agencies.

**A. General Duties and Responsibilities** - The Board of Finance shall:

- (1) be the budget-making authority of the Town; and, no less than annually, shall analyze and report on the long-range financial plan and debt management for the Town.
- (2) except as otherwise provided by this Charter, be governed by and have all the duties, responsibilities and powers provided for in the General Statutes.
- (3) annually designate an independent public accountant to audit the accounts of the Town, as required by the General Statutes.
- (4) have access at all reasonable times to the records and accounts of the Board of Selectmen and of the Board of Education.
- (5) lay the taxes in accordance with Section 10R of this Charter

~~**B. Annual Budget** - The annual budget shall have three (3) sections:~~

- ~~(1) A Board of Selectmen section which shall include recommended capital expenditures.~~
- ~~(2) A Board of Education section which shall include recommended capital expenditures.~~
- ~~(3) A Board of Finance section which shall include the Contingency Fund, the Reserve Fund for Capital and Non-Recurring Expenditures, Bonding and Borrowing (Principal, Interest and Sinking Fund payments) along with, all estimates and expenses of the Board of Finance. The Board of Finance section shall also include a Capital Improvement Fund which shall consist of recommendations for capital expenditures by both the Board of Selectmen and Board of Education. The Board of Finance shall have the power to increase or decrease the amount of funding for the Capital Improvement Fund but not the selection of the projects that have been recommended by the Board of Selectmen and the Board of Education for inclusion in the Capital Improvement Fund.~~

~~**C. Annual Budget Responsibilities**~~

- ~~(1) On or before the second (2<sup>nd</sup>) Monday in March, the Board of Selectmen and the Board of Education shall present to the Board of Finance the proposed annual budgets for the ensuing fiscal year for Town administration and Board of Education operations, respectively. The Board of Finance shall review the proposed budgets and shall make bottom line~~

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adjustments to either or both of such proposed annual budgets as the Board of Finance deems appropriate.

~~(2) Not less than two (2) weeks prior to the Annual Budget Meeting, the Board of Finance shall hold a public hearing at which a proposed annual budget showing itemized estimates of the expenditures of the Town for the ensuing fiscal year and itemized estimates of income shall be presented. The Board of Finance shall publish at least five (5) days in advance of such public hearing (excluding from the five (5) days both the day that the notice is published and the day of the hearing), a notice of the date, time and place of such hearing. Such notice shall be published on the Town's website and in such other manner as may be required by the General Statutes.~~

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~~(3) Subsequent to said public hearing, the Board of Finance shall prepare a budget (hereinafter called the "Recommended Budget") and shall submit this Recommended Budget for adoption by the Town at the Annual Budget Meeting.~~

~~(4) Not less than five (5) calendar days prior to the date of the Annual Budget Meeting (not counting as one of said five (5) days the day that the notice is published), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be required by the General Statutes a notice of the date, time, and place of the Annual Budget Meeting together with (i) an itemized statement of all actual receipts from all sources of the Town during its last fiscal year; (ii) an itemized statement by classification of all actual expenditures during the same year; (iii) an itemized estimate of anticipated revenues during the ensuing fiscal year from each source other than from local property taxes and an estimate of the amount which should be raised by local property taxation for such ensuing fiscal year; (iv) an itemized estimate of expenditures of the Town for such ensuing fiscal year; and (v) the amount of revenue surplus or deficit of the Town at the beginning of the fiscal year for which estimates are being prepared.~~

~~(5) On or before the tenth (10<sup>th</sup>) day prior to the date of the Annual Budget Meeting, the Board of Finance shall do a Town-wide mailing of a summary covering all parts of the Recommended Budget including Reserve Fund, Contingency Fund, Surplus Revenue, Grand List and projected mill rate information.~~

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**2.03 B. Approval of Special Appropriations.**

~~(1) In any fiscal year, the Board of Finance, on request of the Board of Selectmen or on request of the Board of Education, may upon affirmative vote of four (4) members in any fiscal year make special appropriations without the need for approval by a Town Meeting up to \$50,000 in the aggregate to each of the Board of Selectmen and the Board of Education from the Undesignated Fund Balance. Any funds approved by a Town Meeting shall not be included in the aggregate limits for the fiscal year.~~

~~(2) In any fiscal year, the Board of Finance, on request of the Board of Selectmen or on request of the Board of Education, may upon affirmative vote of five (5) members in any fiscal year make special appropriations without need for approval by a Town Meeting in excess of \$50,000 but not greater than to exceed \$100,000 in the aggregate to each of the Board of Selectmen and the Board of Education from the Undesignated Fund Balance. Any funds approved by a Town Meeting shall not be included in the aggregate limits for the fiscal year.~~

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~~(3) If the Board of Finance does not approve a request for a special appropriation as provided in sections (1) and (2) above, the Board of Finance may, by majority vote, the Board of Finance may schedule a Town Meeting to consider approval of such request from the Board of Selectmen or the Board of Education.~~

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~~(4) Special appropriations from the Undesignated Fund Balance other than those permissible pursuant to Section 9.03-CE (1) and (2) of this Charter may be approved only by a Town Meeting upon the recommendation of the Board of Finance.~~

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~~(5) When the Town is maintaining a Reserve Fund for Capital and Non-Recurring Expenditures in accordance with the General Statutes, appropriations from such Fund shall be made only upon recommendation of the Board of Finance and approval by a Town Meeting. At said Town Meeting, the requested appropriation may be decreased but not increased.~~

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~~(6) The provisions of this section shall not be a limitation on the power of the Town on the recommendation of the Board of Finance to issue bonds or other obligations for appropriations or indebtedness in accordance with the General Statutes and this Charter.~~

~~— (1) After the Annual When the budget has been approved and the Grand List has been completed, the Board of Finance shall forthwith meet and lay a tax on the Grand List sufficient, in addition to the other estimated yearly income of the Town, to pay the expenses and appropriations of the Town for the ensuing fiscal year, and absorb any revenue deficit of the Town at the end of the current fiscal year.~~

~~— (2) The Tax Collector shall collect the tax.~~

~~**CE. Approval of Special Appropriations—**~~

~~— (1) The Board of Finance on request from the Board of Selectmen or on request from the Board of Education may in any fiscal year make special appropriations up to \$2550,000 in the aggregate from surplus or from the Contingency Fund to the requesting Board of Selectmen or to the requesting Board of Education, provided an unusual condition has been found to exist by the Board of Selectmen or the Board of Education requiring such request to be made thereby to the Board of Finance.~~

~~— (2) In any fiscal year, upon affirmative vote of five (5) of its members, the Board of Finance may, without the need for approval by a Town Meeting, make special appropriations in excess of \$5025,000 but not to exceed \$10050,000, in the aggregate from surplus or from the Contingency Fund pursuant to a request therefor made to the Board of Finance by the Board of Selectmen or the Board of Education, provided an unusual condition has been found to exist by the Board of Selectmen or the Board of~~

~~Education requiring such request to be made thereby to the Board of Finance. If five (5) members of the Board of Finance do not agree, a majority of those members of the Board of Finance present and voting may recommend the appropriation or transfer for Town Meeting approval. Special appropriations which have been authorized at Town Meeting shall not be included for purposes of these thresholds.~~

~~—————(3) No Town department or Agency or the Board of Education may receive over \$10050,000, in the aggregate from special appropriations in any fiscal year without the approval of a Town Meeting.~~

~~—————(4) Regardless of the sum involved, no new position in any Town department or Agency shall be funded by the Board of Finance by means of a special appropriation, a transfer of unexpended balances between departments or Agencies or a redistribution of unexpended balances within a department or Agency without recommendation by the Board of Selectmen and the approval of a Town Meeting. Notwithstanding the above, the Chief Administrative Officer may, upon vote and approval of not less than four (4) members of the Board of Selectmen, hire an unbudgeted temporary employee where an unusual and unanticipated condition is found to have occurred. Such employment shall not exceed ninety (90) days without Board of Finance and Town Meeting approval.~~

~~—————(5) When the Town is maintaining a Reserve Fund for Capital and Non-Recurring Expenditures in accordance with the General Statutes, appropriations from the Reserve Fund shall be made only upon a request from the Board of Selectmen or the Board of Education and recommendation of the Board of Finance and approval of a Town Meeting. At said Town Meeting the requested appropriation may be decreased but not increased.~~

~~—————(6) Special appropriations other than those from surplus revenue or from the Contingency Fund may be made only by vote of a Town Meeting on recommendation of the Board of Finance.~~

~~—————(7) The provisions of this section shall not be a limitation on the power of the Town on the recommendation of the Board of Finance to issue bonds or other obligations for appropriations or indebtedness in accordance with the General Statutes and this Charter.~~

#### **FC. Expenditures and Accounting -**

(1) The fiscal year of the Town shall begin on July first (1<sup>st</sup>) and end on June thirtieth (30<sup>th</sup>) of the following calendar year, unless otherwise changed by Ordinance.

(2) The system of accounts used by ~~all Agencies and~~ departments and Agencies shall be that prescribed by the General Statutes as supplemented by regulations of the Board of Finance.

(3) The Board of Finance shall keep under review the expenditures of the Board of Selectmen and the Board of Education and may require periodic reports by the Board of Selectmen and by the Board of Education of such expenditures.

(4) The Board of Finance shall also designate the forms and procedures for orders to be drawn on the Finance Officer/Treasurer by the Board of Education and the Board of Selectmen.

(5) All Officials and Agencies, including the Board of Education, shall comply with the requirements and policies of the Board of Finance as provided for by



approval of said action by majority vote of the Board of Selectmen and of the Board of Education, respectively.

(2) Acceptance of any such grant of funds or materials and authorization for expending any grant funds or using any grant materials shall require the approval of either the Board of Selectmen or the Board of Education, as the case may be, and the Board of Finance. If any acceptance pertains to a grant of funds or other property in excess of \$100,000 or if any grant requires matching funds not already appropriated through the budget process or the hiring of additional personnel, then the approval of the Town Meeting shall be required.

### ARTICLE X- ANNUAL TOWN BUDGET

A. The Annual Budget for the Town of Canton (hereinafter referred to as the “Annual Budget”) shall consist of three sections:

1. A Board of Selectmen budget, which shall include recommended capital expenditures for both the Board of Selectmen and the Board of Education;
2. A Board of Education budget; and
3. A Board of Finance budget, which shall include: the Reserve Fund for ~~for~~ ~~Capital and Nonrecurring Expenditures~~; bonding and borrowing (principal, interest and Sinking Fund payments); and an estimate of Board of Finance expenditures for the ensuing fiscal year; ~~and a Capital Improvements Fund.~~

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B. The Chief Administrative Officer shall prepare a draft of the Board of Selectmen’s section of the proposed Annual Budget, which shall include an estimate of all Town revenues and expenditures anticipated in the ensuing fiscal year but excluding the Board of Education’s operating budget.

1. The head of each Town department, office, and agency supported wholly or in part from Town funds or for which a specific Town appropriation is made shall submit to the Chief Administrative Officer, on forms provided by him/her, a detailed estimate for the ensuing fiscal year of the expenditures anticipated to be made by such department, office, or agency and an estimate of the revenues, other than tax revenues, anticipated to be collected by such department, office, or agency.
2. The Chief Administrative Officer shall submit such draft to the Board of Selectmen no later than the second Monday in February.

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C. The Board of Selectmen shall review the draft of its section of the proposed Annual Budget submitted to it by the Chief Administrative Officer and may make any revisions thereto. The Board of Selectmen shall submit its section of the proposed Annual Budget to the Board of Finance no later than the second Monday in March.

D. The Board of Education shall submit its section of the proposed Annual Budget to the Board of Finance no later than the second Monday in March.

E. The Board of Finance shall review the sections of the Annual Budget submitted to it by the Board of Selectmen and by the Board of Education and may increase or decrease the total amount of either proposed budget. The Board of Finance may also increase or decrease the total amount of the annual contribution to the Capital Improvements Fund but shall not have the authority to select or delete specific capital projects that have been recommended by the Board of Selectmen for inclusion therein.

F. As part of its review, the Board of Finance shall hold at least one public hearing to receive public comments regarding the proposed budget. At least five days prior to the date of any such public hearing (excluding the day that the notice is published and the day of the hearing), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be required by the General Statutes a notice of the date, time, and place of such public hearing.

G. The Board of Finance shall schedule the Annual Budget hearing for the fourth Monday in April.

H. At least 21 days prior to the date of the Annual Budget hearing, the Board of Finance shall provide to the Board of Selectmen and the Board of Education a recommended Annual Budget. At least 14 days prior to the date of the Annual Budget hearing, the Board of Selectmen and the Board of Education shall revise their respective budgets if necessary to reflect any increases or decreases made thereto by the Board of Finance and shall submit such revised budgets to the Board of Finance.

I. At least five days prior to the date of the Annual Budget hearing (excluding the day that the notice is published and the day of the hearing), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be required by the General Statutes a notice of the date, time, and place of the Annual Budget hearing, together with the following:

1. an itemized statement of all actual revenues received by the Town from all sources in the last-completed fiscal year and in the first seven months of the current fiscal year;

2. an itemized statement of all actual expenditures by the Town in the last-completed fiscal year and in the first seven months of the current fiscal year;

3. an itemized estimate of anticipated revenues to the Town in the ensuing fiscal year from all sources other than local property taxes, and an estimate of the amount of revenues to be raised by local property taxes in the ensuing fiscal year;

4. an itemized estimate of anticipated expenditures by the Town in the ensuing fiscal year;

5. the amount of the Town's revenue surplus or deficit anticipated at the end of the current fiscal year; and

6. an itemized list from the Board of Selectmen and/or the Board of Education of all revisions to their respective budgets intended to achieve any increases or decreases made thereto by the Board of Finance.

J. At the Annual Budget hearing, the Board of Finance shall present the recommended Annual Budget and receive any public comments about it.

K. Following the Annual Budget hearing, the Board of Finance shall consider any public comments about the budget received during such hearing, make any further revisions to the budget that it deems necessary or appropriate, approve a recommended Annual Budget by majority vote, and submit such budget to a vote at a Town budget referendum. Such referendum shall be held from 6:00 AM until 8:00 PM on a date set by the Board of Selectmen, but no later than the second Thursday in May.

L. At least five days prior to the date of the Town budget referendum (excluding the day that the notice is published and the day of the referendum), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be required by the General Statutes a notice of the date, time, and place of such referendum. In addition, printed copies of a summary of the recommended Annual Budget, including information about the proposed ~~Reserve Fund, Contingency Fund, Surplus Revenue, Grand List,~~ and mill rate, shall be made available for public inspection and general distribution in the Office of the Town Clerk and at the Canton Public Library.

M. The recommended Annual Budget shall be deemed automatically approved by the Town budget referendum unless both of the following conditions are met:

1. the total number of votes cast at the referendum equals at least ten percent (10%) of the number of Electors of the Town as determined from the official list of the Registrars of Voters as of the date of the referendum, and

2. a majority of those voting in the referendum vote against the recommended budget.

N. If the recommended Annual Budget is not approved at the Town budget referendum per the provisions of Subsection M, the Board of Finance shall make any further revisions to the budget that it deems necessary or appropriate, approve a revised recommended Annual Budget by majority vote, and submit such budget to a vote at a second Town budget referendum. Such referendum shall be held from 6:00 AM until 8:00 PM on a date set by the Board of Selectman but no later than the first Thursday in June.

O. At least five days prior to the date of the second Town budget referendum (excluding the day that the notice is published and the day of the referendum), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be required by the General Statutes a notice of the date, time, and place of such referendum. In addition, printed copies of a summary of the revised recommended Annual Budget,

including information about the proposed Reserve Fund, Contingency Fund, Surplus Revenue, Grand List, and mill rate, shall be made available for public inspection and general distribution in the Office of the Town Clerk and at the Canton Public Library.

P. If the revised recommended Annual Budget is not approved at the second Town budget referendum per the provisions of Subsection M, the Board of Finance shall adopt the final Annual Budget by majority vote no later than the second Thursday in June.

Q. When the Annual Budget is either approved by referendum or adopted by a majority vote of the Board of Finance per Subsection P, such action shall be deemed final and may not be rescinded.

~~R.D.~~ *Laying of Taxes* —

~~(1) After the Annual Budget has been approved and the Grand List has been completed, the Board of Finance shall lay a tax on the Grand List sufficient, in addition to the other estimated yearly income of the Town, to pay the expenses and appropriations of the Town for the ensuing fiscal year, and to absorb any revenue deficit of the Town at the end of the current fiscal year.~~

~~(2) The Tax Collector shall collect the tax.~~

S. ~~In the event that an Annual Budget has not been adopted by June 20th, the Board of Finance, using the last completed Grand List, shall lay a tax on the Grand List in an amount sufficient to pay the expenses and appropriations of the Town for the ensuing fiscal year and to absorb any revenue deficit of the Town at the end of the current fiscal year. —using the last completed Grand List, shall set the tax mill rate at an amount sufficient to pay the ensuing fiscal year's estimated expenses and deficit and taking into consideration other estimated annual revenues of the Town. The mill rate so established by the Board of Finance shall continue until such time as a new Annual Budget has been approved.~~

~~After the Annual Budget has been approved and the Grand List has been completed, the Board of Finance shall lay a tax on the Grand List sufficient, in addition to the other estimated yearly income of the Town, to pay the expenses and appropriations of the Town for the ensuing fiscal year and to absorb any revenue deficit of the Town at the end of the current fiscal year.~~

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**ARTICLE XI - APPOINTIVE AGENCIES, DEPARTMENTS, AND OTHER ENTITIES**

**SECTION ~~10~~11.01 APPOINTIVE OFFICIALS AND DEPARTMENTS**

A. *Establishment of Departments* - The Board of Selectmen shall establish such departments deemed appropriate and necessary for the functioning of the Town administration or as required by this Charter or the General Statutes. The Board of Selectmen shall establish a personnel policy, which shall apply to all employees of the

Town, other than employees of the Board of Education, and may update that policy from time to time.

**B. *Appointments by the Chief Administrative Officer*** - The Chief Administrative Officer shall appoint all department heads, except as otherwise provided in Section ~~1011.01D~~, after consultation with the Board of Selectmen. All other employees shall be appointed by the Chief Administrative Officer. Duties and responsibilities of department heads and employees shall be as prescribed by the Chief Administrative Officer consistent with the policies of the Board of Selectmen, this Charter, and ~~or~~ the General Statutes.

**C. *Holding More Than One Office*** - An appointive Official of the Town may hold more than one (1) appointive office in the Town unless otherwise prohibited by Ordinance.

**D. *Appointment/Discharge by the Board of Selectmen*** - The following Officials shall be appointed, following consultation with the Chief Administrative Officer, by majority vote of the Board of Selectmen and may be discharged by such vote, provided however, that discharge of the Chief of Police and of the Fire Chief shall be effected only in accordance with the procedures applicable to such discharge, which are set forth in the General Statutes:

- (1) Town Clerk
- (2) Tax Collector
- (3) Chief of Police
- (4) Finance Officer/Treasurer
- (5) Fire Chief
- (6) Library Director, with participation by the Library Board of Trustees.

## **SECTION ~~1011.02~~ APPOINTIVE AGENCIES**

**A. *Establishment by Ordinance*** - All appointive Agencies shall be established by Ordinance and their regular and alternate members shall be appointed by the Board of Selectmen unless otherwise provided by this Charter.

**B. *Eligibility for Membership on Appointive Agencies*** - Only ~~an Elector of the Town~~ shall be eligible for appointment to any Agency. ~~Any appointee ceasing to be an Elector of the Town shall thereupon cease to be a member of such Agency.~~

**C. *Political Composition of Agencies*** - Except as provided by this Charter, the composition of all Agencies shall be in accordance with the requirements of the General Statutes relating to minority representation.

**D. *Powers and Duties of Town Officials and Agencies*** - All ~~Town~~ Town-Officials and Agencies shall have the powers and duties granted or imposed upon such Officials and

Agencies by the General Statutes, ~~this Charter and~~ any applicable Special Act, this Charter, and Ordinances.

~~**E. Creation of New Permanent Agencies**—A Town Meeting, after due notice, as described in Section 3.02 of this Charter, may, by Ordinance create new elective or appointive permanent Agencies. Any permanent Agency created by action of a Town Meeting may be abolished or changed upon the affirmative vote of a Town Meeting. Any dissolution shall not become effective before thirty (30) days after the date of such action.~~

**FE. Term of Appointment of Members** - The term of appointment of each member of an Agency who is appointed after the effective date of this Charter shall be four (4) years, provided that the term of appointment of a member filling a vacancy shall be for the remainder of the vacating member's term. No Agency member shall serve after such member's term has expired, unless such member has been re-appointed by the Board of Selectmen.

**GF. Vacancies on Appointive Agencies** –

(1). *Vacancies Arising by Reason of Cessation of Status as Elector* —~~All members of appointive Agencies for which the Board of Selectmen is the appointing authority must be Electors of the Town of Canton.~~ Any member of an Agency who ceases to be an Elector ~~of the Town~~ shall automatically cease to be a member of such Agency.

(2). *Vacancies Arising by Reason of Resignation* – The resignation of an Agency member who has been appointed by the Board of Selectmen and who resigns prior to the end of such member's term shall be effective upon submission of a resignation signed by such Agency member to the Town Clerk.

**HG. Term of Appointment of Agency Members who are Elective Officials** - The term of appointment for members of Agencies who serve by virtue of their position as an elective Official shall cease upon the members' vacating their elective office.

~~**SECTION 10.03 — APPOINTIVE EFFECTIVE DATE**~~

~~The following Agencies have been created by Ordinance as of the effective date of this Charter, and continue to exist. Such Agencies can be modified or eliminated by Ordinance.~~

- ~~(a) Aquifer Protection Agency~~
- ~~(b) Building Code Board of Appeals~~
- ~~(c) Board of Ethics~~
- ~~(d) Commission on the Aging~~
- ~~(e) Conservation Commission~~
- ~~(f) Design Review Team~~
- ~~(g) Economic Development Agency~~
- ~~(h) Historic District Commission — Canton Center~~
- ~~(i) Historic District Commission — Collinsville~~
- ~~(j) Housing Authority~~

- ~~———— (k) Inland Wetlands and Watercourses Agency~~
- ~~———— (l) Juvenile Review Board~~
- ~~———— (m) Library Board of Trustees~~
- ~~———— (n) Open Space Preservation and Acquisition Commission~~
- ~~———— (o) Park and Recreation Commission~~
- ~~———— (p) Pension Committee~~
- ~~———— (q) Permanent Municipal Building Committee~~
- ~~———— (r) Planning Commission~~
- ~~———— (s) Water Pollution Control Authority~~
- ~~———— (t) Youth Services Bureau~~
- ~~———— (u) Zoning Board of Appeals~~
- ~~———— (v) Zoning Commission~~

**ARTICLE XII - GENERAL PROVISIONS**

**SECTION ~~1112.01~~ CHARTER REVISIONS**

This Charter may be amended in the manner prescribed by the General Statutes. If not appointed at an earlier date, a Charter Revision Commission shall be appointed by the Board of Selectmen ten (10) years from the date this Charter becomes effective.

**SECTION ~~1112.02~~ EFFECTIVE DATE**

This Charter shall become effective on January 1, ~~2010~~2020.

**SECTION ~~1112.03~~ OATH**

All elective and appointive Officials and members of Agencies shall swear to or affirm an oath for the faithful performance of their duties.

**SECTION ~~1112.04~~ SAVING CLAUSE**

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

**SECTION 112.05 WORDS IN HEADINGS; TERMS DENOTING NUMBER AND GENDER**

The use in this Charter of any term denoting the masculine, feminine, or neuter gender shall be understood to include reference to other genders. The singular form of a word shall include the plural, and *vice versa*, as the context may require. Article, section, subsection and paragraph headings or captions appearing in this Charter are for convenience of reference only and are not intended to limit the meaning or effect of the text.

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