

## **PART I**

### **CHARTER, SPECIAL ACTS AND RELATED MATTERS**

#### **Subpart A CHARTER<sup>1</sup>**

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

##### **Section 101. Incorporation.**

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

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

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provisions that the same may be enforced by any Board or department therein named which is hereby abolished or superseded by the creation herein of a new Board or department to which are granted similar powers and jurisdiction, such contracts, bonds or undertakings shall continue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

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

In addition to all powers granted to the Town under the Constitution and General Statutes, particularly Section 7-148 and Section 7-149 of the General Statutes, the Town shall have all of the powers granted by or

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<sup>1</sup>Editor's note(s)—Printed herein is the revision to the Charter of the Town of Portland adopted at election on November 2, 2004. This revised Charter replaces the Charter passed at election November 2, 1993. The original Charter was approved by the voters of the Town of Portland on November 2, 1982, and was implemented November 8, 1983. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derives unchanged from the 1993 Charter Revision. A uniform system of punctuation and capitalization has been used. Obvious misspellings have been corrected without notation and material in brackets [ ] has been added for clarity.

State law reference(s)—Municipal charters and special acts, G.S. § 7-187 et seq.

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implied in this Charter, and other of the powers necessary to the management, government, and affairs of the Town. The Town shall have the power to enter into contracts for any purposes not prohibited by law. The enumeration of specific powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of powers, but shall be considered as an addition thereto.

#### **Section 104. Effect of Charter.**

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

### ***CHAPTER II. ELECTIONS***

#### **Section 201. General.**

Nomination and election of Federal and State officers and of such elected Town officers and Boards as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therein, in the manner prescribed by law. A meeting of the electors of the Town of Portland for the election of municipal officers shall be held on the Tuesday after the first Monday of November in odd numbered years. Unless otherwise established by ordinance or State law, there shall be one voting district in the Town.

#### **Section 202. Eligibility.**

No person shall be eligible for election to any Town of Portland office who is not at the time of such election an elector of the Town, as defined by Section 9-1 of the General Statutes, and any person ceasing to be an elector of the Town shall thereupon cease to hold elective office in the Town.

#### **Section 203. Majority Party Representation.**

The maximum number of members from any single political party on any elective or appointive Board of the Town shall be determined in accordance with the provisions of Section 9-167a of the General Statutes.

#### **Section 204. Breaking a Tie.**

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

#### **Section 205. Vacancies—Elective Offices.**

Any vacancy, from whatever cause arising, in any elective Town office or Board, except the First Selectman and the Board of Education, shall be filled by four (4) affirmative votes within forty-five (45) days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term or until the next regular Town

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election, as defined in Section 9-1 of the General Statutes, whichever event shall first occur. The Board of Education shall be empowered to fill its vacancies. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event the person was affiliated with a political party, or by the appointment of an unaffiliated elector if the office shall be vacated by an unaffiliated elector. Endorsement alone by a political party in this instance shall not constitute an affiliation either for the vacating member or the replacement member. Except as otherwise provided in this Charter, if there shall be a regular Town election, as defined in Section 9-1 of the General Statutes, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until the election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term, such person to take office immediately upon election. In the event the First Selectman resigns or is unable to serve because of death or for verified reasons of medical disability as determined by the remaining members of the Board of Selectmen, and such vacancy occurs on or after January, of a regular Town election year, the Board of Selectmen shall appoint a First Selectman of the same political party as the First Selectman resigning or unable to serve from the remaining members of the Board of Selectmen, providing a remaining member is willing to serve. If no member is willing to serve, a person of the same political party may be appointed from the Town at large. Any vacancy occurring in the office of First Selectman prior to January 1 of a regular Town election year shall be filled by special election, as prescribed by the General Statutes.

### **Section 206. Board for Admission of Electors.**

The Town Clerk, or any Assistants, and the Registrars of Voters, or any Deputies, shall constitute the Board for Admission of Electors in accordance with the provisions of Section 9-15a of the General Statutes.

## ***CHAPTER III. ELECTED OFFICIALS***

### **Section 301. General Powers and Duties.**

Except as otherwise provided in this Charter, all elected Town officials and members of Boards, including the Board of Education, shall have such powers and duties as are prescribed in the General Statutes.

### **Section 302. Compensation.**

Only the First Selectman, Town Clerk, members of the Board of Selectmen, Board of Tax Review, and Registrars of Voters shall receive compensation. For all except the Board of Selectmen, compensation shall be recommended by the Board of Selectmen and approved in the annual General Fund operating budget. The Board of Selectmen's compensation shall be set by Charter to \$1000.00 each, to be paid quarterly. Reimbursement of actual expenses incurred by elected officials in the performance of official duties shall be made as authorized by the Board of Selectmen and included in the annual General Fund operating budget. All fees collected by elected officials shall be remitted to the General Fund.

### **Section 303. Election and Terms of Office: Town Election.**

1. At the regular Town election of the Town of Portland to be held in November of odd numbered years, there shall be elected the following officers:
  - (a) Six (6) members of the Board of Selectmen, each of whom shall hold office for a term of two (2) years until a successor has been elected and has qualified;

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- (b) A First Selectman, who shall hold office for a term of two (2) years until a successor has been elected and has qualified; the unsuccessful candidate for First Selectman shall not serve on the Board of Selectmen; and
  - (c) Three (3) members of the Board of Tax Review, each of whom shall hold office for a term of two (2) years until a successor has been elected and has qualified.
- 2. At the regular Town election of the Town of Portland to be held in November 1995, and every four (4) years thereafter, there shall be elected a Town Clerk for a four (4) year term who shall hold office from January 1st in the year following the election until a successor has been elected and has qualified.
  - 3. At the regular Town election of the Town of Portland to be held in November 1993, and every four (4) years thereafter, there shall be elected four (4) members of the Board of Education for terms of four (4) years, each of whom shall hold office for a term of four (4) years until a successor has been elected and has qualified. At the regular Town election of the Town of Portland to be held in November 1995, and every four (4) years thereafter, there shall be elected three (3) members of the Board of Education for terms of four (4) years, each of whom shall hold office for a term of four (4) years from the date of election or until a successor has been elected and has qualified so that the Board of Education shall consist of seven (7) members serving four (4) year overlapping terms.
  - 4. At the regular Town election of the Town of Portland to be held in November 1993 and biennially thereafter, there shall be elected two (2) members of the Zoning Board of Appeals, one to serve for a five (5) year term from the date of election, and one to serve for a five (5) year term commencing one (1) year from the date of election, each of whom shall hold office for a term of five (5) years from the date specified until a successor has been elected and has qualified.
  - 5. That number of persons sufficient to fill the offices to be elected who have the highest number of votes shall be elected, subject to the provisions of Section 203 of this Charter. The terms of office of all elected Town officers and members of Town Boards shall commence on the second Tuesday after the regular Town election except for the Town Clerk.

#### **Section 304. Election and Terms of Office: State Election.**

At the State election to be held in November 1994, and quadrennially thereafter, there shall be elected the following officers to serve for terms of four (4) years each:

- (a) Registrars of Voters such as may be provided for by law, and
- (b) A Judge of Probate for the Probate District of Portland.

### ***CHAPTER IV. BOARD OF SELECTMEN***

#### **Section 401. General.**

There shall be a Board of Selectmen consisting of the First Selectman and six (6) other Selectmen, hereinafter referred to as the Board of Selectmen, who shall be elected at the regular Town election as provided in Chapters II and III of this Charter. The First Selectman may serve or may appoint members of the Board of Selectmen to serve as ex-officio, non-voting members of permanent and special Town Boards. Notification of any such appointment shall be filed in writing with any such Board. No member of the Board of Selectmen, including the First Selectman, during the term of office for which that person was elected and for one (1) year thereafter, shall be eligible for appointment to any salaried office or position of profit with the Town.

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## **Section 402. Presiding Officer and Organization.**

With the First Selectman presiding, the Board of Selectmen shall meet on the second Tuesday after the Town election of municipal officers for the purpose of organizing. At the organizational meeting, the Board of Selectmen shall elect, from among their own members, a Deputy First Selectman, who shall serve as acting First Selectman in accordance with the provisions of Section 403 of this Charter. The First Selectman shall preside over all meetings of the Board of Selectmen and perform such other duties consistent with the office as may be conferred by the Board of Selectmen. The Board of Selectmen shall, at least once a year and within one month after receipt of the annual audit report, call a general meeting of the chairmen of all Town Boards and all other Town officers. The purpose of such meeting shall be to coordinate the activities of all Town officers and Boards. At such meetings, each Town officer and the chairman of each Board shall present a report of activities of the past year and of the future.

## **Section 403. Deputy First Selectman.**

The Deputy First Selectman shall serve as Acting First Selectman in the event of the temporary absence or temporary disability of the First Selectman. The Deputy First Selectman, as Acting First Selectman, shall have all the powers of the First Selectman, except powers of appointment and removal.

## **Section 404. Procedure.**

Rules of procedure for the Board of Selectmen shall be prepared by the First Selectman and adopted by the Board of Selectmen within sixty (60) days of taking office. All regular and special meetings shall be held in accordance with the provisions of Section 1-21 of the General Statutes. Four (4) members of the Board of Selectmen shall constitute a quorum. No vote, except a vote to adjourn, set the date for the next meeting, or an emergency vote as defined in Section 409 of this Charter, shall be adopted by fewer than four (4) affirmative votes. Emergency ordinances and resolutions shall be adopted by affirmative vote of a majority of those members present and voting.

## **Section 405. General Powers and Duties.**

1. The Board of Selectmen shall have all the powers and duties conferred upon the Board of Selectmen by this Charter and all those powers and duties conferred by law upon Boards of Selectmen, except as otherwise specifically provided in this Charter. The legislative authority of the Town shall be vested, except as otherwise specifically provided in Chapter V of this Charter, exclusively in the Board of Selectmen, which shall be the legislative body of the Town.
2. The Board of Selectmen shall have the power to enact, amend or repeal ordinances not inconsistent with the provisions of this Charter or the General Statutes. The Board of Selectmen are authorized in adopting ordinances, to incorporate any nationally recognized code, rules or regulations, which have been published 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 or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules or regulations in the office of the Town Clerk for examination by the public.
3. The Board of Selectmen shall by ordinance fix the charges to be made for services rendered by the Town, except for water and sewer user and assessment charges, which charges shall be established pursuant to Section 1213 of this Charter. Service charges shall be fixed after a duly noticed public hearing and adoption by the Board of Selectmen. All service charges enacted pursuant to this section shall become effective fourteen (14) days after adoption by the Board of Selectmen.
4. The Board of Selectmen shall appoint members of all appointed Town Boards.

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5. The Board of Selectmen may recommend to the Town Meeting the creation, consolidation, or abolition of Boards and departments not specifically authorized in this Charter, provided further that nothing herein shall be construed to prohibit the Board of Selectmen from appointing, by resolution, special or temporary Boards as it may from time to time deem necessary and appropriate to the operation of Town government, but in such event the special or temporary Boards shall be deemed to terminate if twelve (12) months have elapsed since their last meeting. Building committees shall be an exception to this one (1) year term. Building committees shall function through the completion of the task for which they were created.
  6. The First Selectman shall prepare rules and regulations relating to purchasing and bidding requirements for all Town Boards and departments, which rules and regulations shall become effective when approved by the Board of Selectmen.
  7. The Board of Selectmen shall consider and act upon all collective bargaining agreements of the Town, except for the Board of Education.
  8. The Board of Selectmen may accept roads providing any acceptance complies with planning and zoning regulations and is certified by the Town Engineer as having been constructed in accordance with Town standards. The Board of Selectmen may abandon roads providing such abandonment is approved by the Planning and Zoning Commission and complies with the General Statutes, as determined by the Town Attorney. The Town Clerk shall be provided with a copy of the resolution accepting or abandoning any road for inclusion with the land records of the Town.
  9. The Board of Selectmen shall present an annual operating budget to the Annual Town Budget meeting. Within one week after the approval of the annual operating budget, the Board of Selectmen shall set the mill rate for the ensuing fiscal year.
  10. The Board of Selectmen shall approve the separate budgets for water and sewer services in keeping with the procedures in Section 1212 of this Charter.
  11. The Board of Selectmen shall approve all of the other budgets in accordance with Section 1201.5 of this Charter.
  12. The Board of Selectmen shall have the powers and duties conferred upon a Water Pollution Control Authority and Jury Committee, in accordance with the General Statutes.
  13. The First Selectman, upon authorization of the Board of Selectmen, and except as otherwise provided in this Charter, may enter into contracts on behalf of the Town for services and the use of facilities with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof or may, by agreement, join with any single, or group of, political subdivisions to provide services and facilities in accordance with the applicable provisions of the General Statutes.
  14. The Board of Selectmen may oversee the internal operations of Boards and offices, which it fills by appointment.

#### **Section 406. Public Hearing on and Publication of Ordinances.**

Except as otherwise specifically provided in this Charter, no ordinance shall be acted upon by the Board of Selectmen pursuant to the provisions of this Charter until and unless at least one public hearing on such ordinance shall have been held by the Board of Selectmen. Notice of any such public hearing shall be given at least seven (7) days in advance by publication in a newspaper having a general circulation in the Town, and by posting a notice in a public place. Copies of such proposed ordinances shall be made available for public inspection at the Town Clerk's office at least seven (7) days in advance of the public hearing. If substantive changes, as determined by the Town Attorney, are made in any such proposed ordinance subsequent to the public hearing required under the provisions of this section, a second public hearing shall be held on such proposed ordinance prior to final action by the Board of Selectmen. Every ordinance, after passage, shall be filed with the Town Clerk, and recorded, compiled

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and published by the Town Clerk as required by law. Within ten (10) days after final passage, each ordinance so passed shall be published once in a summary form in a newspaper having general circulation within the Town. Each ordinance, unless it shall specify a later date, shall become effective on the thirty-first (31st) day after such publication following its passage.

#### **Section 407. Appointments.**

Except as otherwise provided in this Charter, the Board of Selectmen shall appoint by an affirmative vote of not fewer than four (4) members of the Board, in accordance with the provisions of Section 203 of this Charter, the following: officers and members of Town Boards as are described in Section 804 of this Charter; officers and members of permanent Boards and such Boards as may be created by the Town Meeting pursuant to Section 503 of this Charter; officers and members of special and temporary Boards as may be created from time to time by the Board of Selectmen, in accordance with the provisions of Section 405(5) of this Charter, and the Town Attorney, Auditor of Public Accounts and Assessor. Officers and members of any permanent Town Boards created pursuant to the provisions of this Charter shall be appointed in accordance with this Charter not later than the thirty-first (31st) day of December following the regular Town election held under the provisions of this Charter.

#### **Section 408. Removals.**

The procedure contained in this section shall apply to removals pursuant to Section 1207(8) and Section 1403 of this Charter. Any appointee of the Board of Selectmen may be removed for just cause by an affirmative vote of four (4) members of the Board of Selectmen as herein provided. The Board of Selectmen shall adopt a resolution to remove such appointee ten (10) days thereafter, which resolution shall state the reasons therefore, a copy of which shall be served forthwith on the appointee. Upon passage of such a resolution, the Board may suspend the appointee, and may temporarily fill the vacancy. Such appointee may, within ten (10) days of the date of the resolution, demand a public hearing to be held within thirty (30) days, in which event the appointee shall not be removed until such public hearing has been held. The final decision with respect to such removal shall be made not later than fifteen (15) days following the close of the hearing. The action of the Board of Selectmen in removing an appointee shall be final.

#### **Section 409. Emergency Ordinances.**

For the purpose of meeting a public emergency threatening the lives, health or property of persons, the Board of Selectmen may enact emergency ordinances, pursuant to Section 404 of this Charter, stating the facts constituting such public emergency, which ordinances shall become effective immediately. No public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the thirty-first (31st) day following final passage of the ordinance, provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under Section 406 of this Charter prior to such thirty-first (31st) day, then such emergency ordinance shall remain in full force and effect until final action is taken on the permanent ordinance.

#### **Section 410. Investigation.**

The Board of Selectmen shall, by five affirmative votes of the Board, have the power to investigate any and all offices and Boards of the Town and for such purposes shall have the power to call and subpoena through the Town Attorney witnesses to appear before the Board to testify and to furnish documentation on any matter under investigation.

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### **Section 411. Direction of Administrative Services.**

No member of the Board of Selectmen, except the First Selectman, shall give orders, either publicly or privately, to any administrative officer or employee as defined by Chapters VI, X, and XIII of this Charter, except that a properly constituted meeting of the Board of Selectmen may call before it any employee or officer for the purpose of information or investigation.

### **Section 412. Board of Selectmen to Submit Matters to Referendum.**

The Board of Selectmen, upon an affirmative vote of four (4) members, may submit any matter for which it has sole authority to act, to the voters of the Town for approval at a referendum. The referendum may be held at a regular election or a special election called for the same. Such matter shall be approved if a majority of those voting thereon, shall have voted in the affirmative, provided, however, that in the case of a special election, no such approval shall be effective unless twenty percent (20%) of the electors qualified to vote shall have voted on such matter. Any matter so submitted to referendum shall not be subject to the provisions of Chapter V of this Charter.

### **Section 413. Collective Bargaining.**

The Board of Selectmen may appoint a representative of the Board to be present during any collective bargaining negotiating sessions for the purpose of providing fiscal information and to provide such other assistance as may be required. This section shall pertain to all collective bargaining to which the Town is a party.

### **Section 414. Power of Override—Ordinances Adopted by the Board of Selectmen.**

1. All actions of the Board of Selectmen on ordinances, except emergency ordinances, shall be subject to override at a special referendum in the following manner:
  - (a) A petition must be filed within twenty (20) days after final action by the Board of Selectmen on such ordinance. The petition shall conform to the requirements of Section 7-9 and 7-9a of the General Statutes and be signed in ink or indelible pencil by qualified electors and/or voters of the Town equal in number to at least five percent (5%) of the total electors of the Town as determined from the latest official lists of the Registrars of Voters and Assessor's List, with the Town Clerk, requesting its reference to the Town voters at a special referendum. The petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Section 7-9 of the General Statutes;
  - (b) The Town Clerk shall, within ten (10) days after receipt of the petition determine whether the petition and affidavits are sufficient as prescribed by law and, if so, certify the petition to the Board of Selectmen. If the petition is sufficient, the implementation of the ordinance shall be suspended;
  - (c) Within fifteen (15) days of receipt of the petition, so certified, the Board of Selectmen shall fix the time and place of a special referendum which shall be held not less than twenty (20) nor more than ninety (90) days after the certification of the petition and notice thereof shall be given in the manner provided by law for the calling of a Town referendum.
2. No ordinance shall be overruled by referendum unless a minimum of twenty percent (20%) of the qualified electors of the Town, as determined from the latest official lists of the Registrars of Voters, shall have voted on the matter and a majority of those so voting shall have voted in favor of overruling such ordinance. Any ordinance not so overruled shall take effect upon the conclusion of such referendum. The aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes.



## ***CHAPTER V. TOWN MEETINGS AND PUBLIC HEARINGS***

### **Section 501. General.**

The Town Meeting shall have authority for final approval of those actions of the Town hereinafter enumerated, and when considering such actions the meeting shall be deemed to be the legislative body of the Town. All persons deemed to be eligible to vote in Town Meetings as prescribed in the General Statutes shall be eligible to vote in Town Meetings called pursuant to this Charter and shall be eligible to vote in special referenda called pursuant to this Charter. Any such vote required pursuant to this chapter shall be by checklist and ballot. No Town Meeting shall be called except pursuant to the provisions of Sections 502, 503 and 504 of this Charter.

### **Section 502. Annual Town Budget Meeting.**

The Annual Town Budget Meeting for the consideration of the budget shall be convened in accordance with the provisions of this Charter and shall be held on the first Monday of May at such hour and at such place as the Board of Selectmen shall determine.

### **Section 503. Special Town Meetings.**

Special Town Meetings shall be called by the Board of Selectmen for consideration of the following actions:

- (a) The issuance of bonds, notes and other obligations, and all other forms of financing, the terms of which are in excess of one (1) year, except as provided in Section 1204 of this Charter;
- (b) Any appropriation supplemental to those provided in the current General Fund operating budget which exceeds one-half of one percent (.5%) of the total of the current General Fund operating budget;
- (c) Real estate purchases by the Town in excess of \$10,000.00;
- (d) Sale of any Town-owned real estate appraised for more than \$10,000.00;
- (e) The creation, consolidation or abolition of any permanent Board or department not otherwise provided for in this Charter;
- (f) Leases and/or lease options to which the Town, including its Board of Education, is a party which involve a term or obligation in excess of one (1) year;
- (g) Any appropriation from the capital and non-recurring expense fund not included in the annual capital expenditures budget and any supplemental appropriation which exceeds \$1,000.00;
- (h) The application for or participation in any Federal, State or private grant program that requires the Town to contribute cash or provide any in-kind participation which jointly together exceed \$10,000.00;
- (i) Such other matters or proposals as the Selectmen, in their discretion, shall deem to be of sufficient importance to be submitted to a special Town Meeting, including recommendations by the Selectmen for the adoption or repeal of any ordinance.

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## **Section 504. Power to Overrule—Town Meeting Actions.**

All actions of any Town Meeting, except the action of the Annual Town Budget Meeting, shall be subject to overrule by a Town referendum in the following manner:

- (a) A petition may be filed within ten (10) days after such action of the Town Meeting. The petition shall conform to the requirements of Sections 7-9 and 7-9a of the General Statutes and be signed in ink or indelible pencil by qualified electors and/or voters of the Town equal in number to at least five percent (5%) of the total electors of the Town as determined from the latest official lists of the Registrars of Voters. The petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Section 7-9 Of the General Statutes;
- (b) The Town Clerk shall, within ten (10) days after receipt of the petition determine whether the petition and affidavits are sufficient as prescribed by law and, if so, certify the petition to the Board of Selectmen;
- (c) Within fifteen (15) days of receipt of the petition, so certified, the Board of Selectmen shall fix the time and place of a special referendum which shall be held not less than twenty (20) nor more than ninety (90) days after the certification of the petition and notice thereof shall be given in the manner provided by law for the calling of a Town referendum. Any action so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, as determined from the latest official lists of the Registrars of Voters and Assessor's List, shall have voted in favor of overruling such action provided that a minimum of ten percent (10%) of the electors shall have voted. The aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes.

## **Section 505. Procedure.**

All Town Meetings shall be called in accordance with Section 7-3 of the General Statutes by resolution of the Board of Selectmen fixing the time and place of the meeting, notice of which shall be given at least five (5) days in advance by publication in a newspaper having general circulation in the Town, and by posting a notice in a public place. All Town Meetings shall be called to order by the First Selectman or his or her representative. A Moderator shall be elected and all business shall be conducted according to Roberts Rules of Order. The Town Clerk shall serve as clerk of all Town Meetings, but in the Clerk's absence a clerk of the meeting may be designated by the Moderator. Any Town Meeting may be recessed from time to time as the interests of the Town may require, and the Moderator may entertain a motion to recess such meeting.

## **Section 506. Public Hearings.**

Public hearings shall be held in the following manner unless otherwise provided in this Charter or the General Statutes. Public hearings shall be held on all matters when required by the Charter or the General Statutes. Public hearings may also be held when deemed desirable by any Town Board. Notice of any such public hearing shall be given at least seven (7) days in advance by publication in a newspaper having a general circulation in said Town, and by posting a notice in a public place.

## ***CHAPTER VI. THE FIRST SELECTMAN***

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## **Section 601. General.**

The First Selectman shall be the chief executive and chief administrative officer of the Town. The office of First Selectman shall be a full-time position. The First Selectman shall be a full voting and participating member of the Board of Selectmen.

## **Section 602. Duties.**

The First Selectman shall be directly responsible to the Board of Selectmen for the administration of all Town matters except education. Responsibilities and duties shall include, but not be limited to, the direction and supervision of activities of all Town employees, except employees of the Board of Education, and the coordination and general administration of all Boards, departments and officers of the Town, except the Board of Education. All Boards, departments and officers except for the Board of Education, shall report to the First Selectman. The First Selectman shall serve as Chief of Police until such time as the Board of Selectmen shall determine the need for a Chief of Police. The First Selectman shall see that all laws and ordinances governing the Town are faithfully executed, and shall make periodic reports to the Board of Selectmen on the conditions and affairs of the Town. The First Selectman shall recommend to the Board of Selectmen such measures as he or she may deem necessary or expedient and shall keep the Board of Selectmen fully advised as to the financial condition of the Town; and shall exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen not inconsistent with this Charter. The First Selectman may, with the approval of the Board of Selectmen and subject to such other limitations as are contained in this Charter and in the General Statutes, enter into contracts or agreements on behalf of the Town as set forth in Section 103 and 405.13 of this Charter. The Board of Selectmen shall not diminish by ordinance, vote or otherwise the powers and duties imposed on the First Selectman by this Charter.

## **Section 603. Appointments and Removals.**

The First Selectman may appoint and remove any Town employee with the exception of volunteer members of the Fire Department and employees of the Board of Education. The appointment or removal of the director of an administrative department shall be made only with the concurrence of four (4) members of the Board of Selectmen. The First Selectman may appoint and remove members of regional and interlocal agencies and programs as authorized by ordinances adopted pursuant to the applicable provisions of the General Statutes and this Charter. Nothing in this Charter shall be construed as limiting the authority of the Town, by actions of the Board of Selectmen, to continue such participation or join new, regional programs, as authorized by the General Statutes. The First Selectman may, in lieu of any appointment to any office under his or her jurisdiction and subject to the approval of the Board of Selectmen, perform the duties of any officer under his or her jurisdiction provided, however, that in the opinion of the Board of Selectmen he or she is otherwise qualified to perform such duties. If the First Selectman shall perform the duties of the Director of Finance, the Deputy First Selectman shall countersign checks. The First Selectman may, in lieu of any appointment to any office under his or her jurisdiction and subject to the approval of the Board of Selectmen, enter into contracts for performance of services.

# ***CHAPTER VII. BOARD OF EDUCATION***

## **Section 701. General.**

The Board of Education shall consist of seven (7) members who shall be elected and hold office as provided in Chapter III of this Charter. The Board of Education shall perform such duties and have such powers as are or may be imposed or vested by the General Statutes upon Boards of Education, except as otherwise provided in this Charter.

## ***CHAPTER VIII. APPOINTED BOARDS***

### **Section 801. General.**

All members of Boards shall serve without compensation, except for reimbursement of expenses, as authorized by the Board of Selectmen and as provided for in the annual operating budget.

### **Section 802. Appointment, Eligibility, and Terms.**

No person shall be eligible for appointment to any Town Board who is not, at the time of appointment, an elector of the Town, and any person ceasing to be an elector of the Town shall thereupon forfeit membership. Officers and members of any permanent Town Board created pursuant to the provisions of this Charter shall be appointed in accordance with this Charter not later than the thirty-first (31<sup>st</sup>) day of December following the regular Town election. (see Section 407).

### **Section 803. Vacancies—Appointive Boards.**

Any vacancy on any appointive Town office or Board from whatever cause arising, shall be filled by appointment by the Board of Selectmen to such office for the unexpired portion of the term vacated. Any such vacancy shall be filled by the appointment of a member of the same political party as a person vacating the office in the event the person was affiliated with a political party. If within forty-five (45) days after written notice to the appropriate political party, no acceptable candidate has been presented, the vacancy may be filled by the Board of Selectmen by another member of the same political party, with a member of another political party, or with an unaffiliated elector.

### **Section 804. Appointments to Boards.**

1. There shall be the following appointed Boards: Building Code Board of Appeals; Conservation Commission; Economic Development Commission; Emergency Management Advisory Board; Ethics Commission; Housing Authority; Housing Code Board of Appeals; Inland Wetlands Commission; Library Board of Directors; Long Range Capital Improvements Commission; Parks and Recreation Commission; Planning and Zoning Commission; Senior Citizens Advisory Board; Water and Sewer Commission; Youth Services Advisory Board; and alternates to the Building Code Board of Appeals, Conservation Commission, Inland Wetlands Commission, Parks and Recreation Commission, Planning and Zoning Commission, Youth Services Advisory Board, and Zoning Board of Appeals.
2. The Board of Selectmen shall appoint five (5) members serving five (5) year overlapping terms to the Housing Authority (see Sections 407 and 802 of this Charter).
3. The Board of Selectmen shall appoint five (5) members serving five (5) year overlapping terms to the Ethics Commission. Within three (3) months of the effective date of this Charter as established in Section 1415, the Board shall appoint five commissioners who shall be designated to serve for one, two, three, four, and five years respectively (see Sections 407 and 802 of this Charter). Members of the Ethics Commission may not be employees of the Town nor serve on any other elected or appointed Board, Agency, Commission, Authority or similar body of the Town, or participate in political activities carrying or propaganda or otherwise attempting to be involved in any political campaign or influence on behalf of any candidate for public office

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during their appointment. No member of the Ethics Commission may serve for more than two consecutive terms.

4. The Board of Selectmen shall appoint five (5) members serving four (4) year overlapping terms to the following Boards (see Sections 407 and 802 of this Charter):  
Building Code Board of Appeals;  
Conservation Commission;  
Economic Development Commission;  
Emergency Management Advisory Board;  
Housing Code Board of Appeals;  
Inland Wetlands Commission;  
Long Range Capital Improvements Commission;  
Parks and Recreation Commission;  
Planning and Zoning Commission;  
Senior Citizens Advisory Board;  
Water and Sewer Commission, and  
Youth Services Advisory Board.
5. The Board of Selectmen shall appoint seven (7) members serving four (4) year overlapping terms to the Library Board of Directors (see Sections 407 and 802 of this Charter).
6. The Board of Selectmen shall appoint three (3) members serving four (4) year overlapping terms to the following Boards (see Sections 407 and 802 of this Charter):  
Alternates to the Planning and Zoning Commission, and  
Alternates to the Zoning Board of Appeals.
7. The Board of Selectmen shall appoint two (2) members serving four (4) year overlapping terms to the following Boards (see Sections 407 and 802 of this Charter):  
Alternates to the Inland Wetlands Commission;  
Alternates to the Building Code Board of Appeals;  
Alternates to the Conservation Commission;  
Alternates to the Parks and Recreation Commission, and  
Alternates to the Youth Services Advisory Board.

## **Section 805. Powers and Duties.**

Except as otherwise provided by this Charter, the officers and Boards designated in this Charter shall have all the powers and duties conferred or imposed upon them by the General Statutes, or the ordinances of the Town.

## **Section 806. Ethics Commission.**

The Ethics Commission shall prepare and submit to the Board of Selectmen a Code of Ethics Regulating the conduct of all officers and employees of the Town and procedures for administration for public hearing on or

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before November 15, 2005. After a public hearing in accordance with Section 505, the Board of Selectmen shall submit an ordinance for adoption of such Code of Ethics and Procedures for Administration for public hearing to a Special Town Meeting in accordance with Section 502 by January 15, 2006.

### **Section 807. Library Board of Directors.**

The Library Board of Directors shall prepare by-laws and rules and regulations for the internal operation of the library not inconsistent with Chapter XIII of this Charter. The Library Board of Directors shall determine the qualifications, conduct the search, and make recommendations to the First Selectman for professional, certified librarians. The Library Board of Directors shall recommend to the First Selectman the job descriptions and classifications and shall supervise and evaluate library personnel using procedures not inconsistent with this Charter. (See Chapters XI and XIII). The Library Board of Directors shall prepare its budget requests for presentation to the First Selectman. All special library funds, gifts, grants and memorials shall be held by the Town in a separate fund for the exclusive use of the library. Expenditures from this fund will be determined by and with the approval of the Library Board of Directors.

### **Section 808. Long Range Capital Improvements Commission.**

The Long Range Capital Improvements Commission shall be appointed pursuant to Section 804 of this Charter, shall review proposed capital expenditures for projects, including water and sewer, and shall submit its recommendations to the First Selectman in accordance with Section 1202 of this Charter. Their recommendations shall be based upon, but not necessarily limited to, the following considerations:

- (a) The extent to which the proposed expenditure is needed;
- (b) What alternatives to proceeding with the proposed expenditure exist;
- (c) The soundness of the proposal in terms of the need to be fulfilled; and
- (d) The likely consequences of the cost of the proposed expenditures on the Town's financial position and mill rate.

The commission's report to the First Selectman shall be deemed advisory in nature and shall be a matter of public record.

### **Section 809. Parks and Recreation Commission.**

The Parks and Recreation Commission, which shall be appointed pursuant to Section 804 of this Charter, shall be responsible for advising the Board of Selectmen on issues of policy, procedure, programs, facilities, budget and personnel in matters relating to parks and recreation and shall have such powers and duties as are prescribed by the Board of Selectmen. The Commission shall supervise its recreational and athletic programs and shall direct its personnel employed for the execution of such programs. The Coordinator of Parks and Recreation shall be appointed by the First Selectman and report to the same through the Parks and Recreation Commission.

### **Section 810. Senior Citizens Advisory Board.**

The Senior Citizens Advisory Board, which shall be appointed pursuant to Section 804 of this Charter, shall advise the Board of Selectmen on issues of policy, procedures, programs, facilities, budget and personnel in matters relating to senior citizens.

### **Section 811. Water and Sewer Commission.**

The Water and Sewer Commission, which shall be appointed pursuant to Section 804 of this Charter, shall:

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- (a) Advise the Board of Selectmen on issues of policy, procedure, programs, facilities, budget, user fees, and personnel in the area of water and sewer and have such other duties as are prescribed by the Board of Selectmen;
  - (b) Advise the Board of Selectmen on the acquisition, condemnation, construction and reconstruction, extension, enlargement, and operation and maintenance of the municipal sewer and water systems;
  - (c) Express and explain the policies and programs to the community and from the community to the Board of Selectmen; and
  - (d) Have such other duties as are prescribed by ordinance.

### **Section 812. Youth Services Advisory Board.**

The Youth Services Advisory Board shall be appointed pursuant to Section 804 of this Charter and appropriate General Statutes and shall advise and make recommendations to the Board of Selectmen on issues of policy, procedures, programs, facilities, budget, and personnel in matters relating to youth.

## ***CHAPTER IX. APPOINTED AUTHORITIES***

### **Section 901. Town Attorney.**

The Board of Selectmen shall appoint, and may remove, a Town Attorney who shall be an attorney at law admitted to practice law in the State of Connecticut. The Town Attorney shall appear for and protect the rights of the Town in all actions, suits or procedures brought by or against it or any of its departments, officers, Boards or Commissions. The Town Attorney shall be the legal advisor of the Board of Selectmen, First Selectman, and all Town departments, officers, Boards and Commissions in all matters affecting the Town and shall, upon written request by the First Selectman or four or more members of the Board of Selectmen at a meeting of the Board of Selectmen, furnish a written opinion on any question of law involving their respective powers and duties. Upon request, the Town Attorney shall prepare or review forms of contracts or other instruments to which the Town is a party or in which it has an interest. The Town Attorney shall have the power, with the approval of the Board of Selectmen, to appeal from orders, decisions and judgments and, subject to the approval of the Board of Selectmen, to compromise or settle any claims by or against the Town. If, in special circumstances, or for investigation under Section 410 of this Charter, the Board of Selectmen deem it advisable, it may, by resolution, provide for the temporary employment of counsel other than, or in addition to, the Town Attorney.

### **Section 902. Town Engineer.**

The Board of Selectmen may appoint, and may remove, a Town Engineer who shall be a licensed Civil Engineer. The powers and duties of the Town Engineer shall be as prescribed by the Board of Selectmen. Nothing in this section shall preclude the Board of Selectmen from appointing a firm of professional engineers to be the Town Engineer.

## ***CHAPTER X. ADMINISTRATIVE DEPARTMENTS***

### **Section 1001. Administrative Departments.**

There shall be the following administrative departments or functions: a department of finance, a department of public works, a department of health, a volunteer fire department, a department of human services, a law enforcement function, a Planning Department, a Department of Environmental Health and a Building Department.

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Upon the recommendation of the First Selectman, the Board of Selectmen may by ordinance create, consolidate or abolish departments and divisions of the Town, subject to the approval of the Town Meeting, except for any department provided for in this Charter. Each officer, reporting to the First Selectman and appointed to head a department, shall have supervision and control of his or her department and the employees therein, except where otherwise provided in this Charter.

## **Section 1002. Department of Finance.**

The Department of Finance shall be responsible for the keeping of accounts and financial records; the assessment of property; the collection of taxes, sewer and water charges, special assessments and other revenue; the custody and disbursement of Town funds and money; the control over expenditures; and such other powers and duties as may be required by ordinance or resolution of the Board of Selectmen. Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and Boards of the Town, including the Board of Education and Sewer and Water enterprises. The Department of Finance may consist of a Director of Finance, Collector of Revenues, Assessor and other assigned personnel.

### **Section 1002-a. Director of Finance.**

The Director of Finance shall be chosen exclusively on the basis of technical and administrative qualifications, character, education, training and experience. The Director of Finance, reporting to the First Selectman, shall have the following powers and duties, together with such other powers and duties as the First Selectman may confer upon him or her. The Director of Finance:

- (a) Shall be the Town Treasurer and the agent of the Town deposit fund and all other Town funds, and shall have all powers and duties conferred on town treasurers.
- (b) Shall be responsible for keeping and maintaining all accounts showing financial transactions for all departments, and Boards of the Town, including the Board of Education and sewer and water enterprises.
- (c) Shall prepare financial reports and submit the same to the First Selectman on a monthly basis and for such other periods as may be required by the First Selectman.
- (d) Shall prepare cash flow analyses and shall be responsible for the investment of all funds with the cognizance of the First Selectman.
- (e) Shall assist in the preparation of annual budgets and in the presentation of the same to the Board of Selectmen, to hearings, and to Town Meetings.
- (f) Shall be responsible for the monthly reconciliation of all bank accounts and shall establish procedures for the purpose of internal auditing.
- (g) Shall maintain records of all fixed assets of the Town.
- (h) Shall administer the Town employee pension plan.
- (i) Shall periodically review all insurance coverage carried by the Town, including the coverage of the Board of Education, and may suggest adjustments and improvements in such coverage.
- (j) Shall become familiar with all grants and other State and Federal programs available to the Town or any Board and shall follow the direction of the First Selectman with respect to the implementation of the same.
- (k) Shall cause to be purchased, subject to such rules and regulations as shall be approved by the Board of Selectmen, all supplies, materials, equipment and other commodities required by any department or Board of the Town, including the Board of Education.



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### **Section 1002-b. Collector of Revenues.**

The Collector of Revenues, who shall be qualified by training and experience, shall have all the powers and duties conferred or imposed on such officers and such powers and duties as may be prescribed by the First Selectman and by this Charter.

### **Section 1002-c. Assessor.**

The Board of Selectmen shall appoint an Assessor who shall be qualified by training and experience and shall have all the powers and duties, not inconsistent with the provisions of this Charter, conferred or imposed by the General Statutes on such officers and such powers and duties as may be prescribed by the Board of Selectmen.

### **Section 1003. Department of Public Works.**

1. The Department of Public Works shall have supervision and control of the maintenance of all Town-owned land and structures, except such as are under the control of the Board of Education. It shall have supervision and control of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, curbs, sewers, waste disposal, drains, water works, reservoirs, pumping stations, wells, water systems and other public improvements, Town buildings, land owned by the Town, and the preservation, care and removal of trees within the highways or public places, all engineering work of the Town, the disposal of solid waste, and such other duties as the Board of Selectmen may prescribe. Any provision of this section to the contrary notwithstanding, the Department of Public Works may maintain and care for school buildings and grounds, but only if, and to the extent and for the period requested by the Board of Education and approved by the Board of Selectmen, provided the costs are charged against the Board of Education's appropriations.
2. The Department of Public Works may consist of a Director of Public Works, Supervisors for public land, building maintenance, sewers, highway, landfill, and water and other assigned personnel.

### **Section 1003-a. Director of Public Works.**

The Director of Public Works shall possess such qualifications as are required for the office. He or she may organize the Public Works Department in such a manner as he or she shall deem most economical and efficient. He or she may make and enforce, subject to approval of the First Selectman, such rules and regulations not inconsistent with Town regulations or the provisions of this Charter, as may be necessary to exercise the powers and duties imposed on him or her by the First Selectman and this Charter. He or she may delegate such powers to subordinate employees.

### **Section 1004. Health Department.**

The Health Department shall be responsible for the preservation and promotion of the public health.

### **Section 1004-a. Director of Health.**

The Director of Health shall be chosen exclusively on the basis of qualifications, character, training and experience. The Director of Health shall be responsible for the performance of such functions and shall have such powers and duties as are imposed by law on Directors of Health and such powers and duties as the Board of Selectmen may prescribe.

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## **Section 1005. Volunteer Fire Department.**

It is the intent of this Charter that fire protection shall continue to be provided by the established volunteer fire companies.

## **Section 1006. Department of Human Services.**

The Department of Human Services shall be responsible for programs for the elderly; programs and counseling services for Town youths; Human services; and such other duties and responsibilities as the First Selectman may prescribe. The Department of Human Services may consist of a Director of Human Services, Senior Center Coordinator, Youth Services Coordinator, Human Services Coordinator, and other assigned personnel.

### **Section 1006-a. Director of Human Services.**

A Director of Human Services shall be chosen on the basis of qualifications, character, education, training and experience and shall have the powers and duties conferred by this Charter and those as may be prescribed from time to time by the Board of Selectmen.

## **Section 1007. Law Enforcement.**

Law enforcement shall be provided as approved by the Board of Selectmen in the annual operating budget and may include Resident State Troopers, Police Officers and such other personnel as shall be authorized.

### **Section 1007-a. Chief of Police.**

1. The First Selectman shall be the Chief of Police and 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 the laws of the State, and the ordinances of the Town and all rules and regulations made in accordance therewith.
2. The First Selectman, as the Chief of Police, shall assign all employees, including the Municipal Animal Control Officer, to their respective posts, shifts, details and duties. The Chief shall make rules and regulations concerning the police service and the conduct of all officers and employees thereof. The Chief shall be the traffic authority of the Town, and shall be responsible for the efficiency, discipline and good conduct of police service and for the care and custody of all property used in police work. Disobedience to the lawful orders, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action subject to the right of review by the Board of Selectmen.

### **Section 1007-b. Police Officers.**

There shall be such police officers as are deemed necessary by the Board of Selectmen, appointed by the First Selectman, in accordance with the authority granted by General Statutes Section 7-148 to provide police protection.

### **Section 1007-c. Municipal Animal Control Officer.**

There shall be a Municipal Animal Control Officer and such deputies as may be provided who shall have all the powers and duties not inconsistent with the provisions of this Charter, conferred or imposed by the General Statutes on such officers and such powers and duties as may be prescribed by the Board of Selectmen.

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### **Section 1008. Planning Department.**

The Planning Department shall be responsible for the coordination, review and processing of all development activities submitted to the Land Use Agencies. The department shall be responsible for the preparation and revision of the Town's Master Plan. The department shall have such other powers, duties and responsibilities as may be conferred on said department. The Planning Department may consist of the Planning Director, Assistant Planning Director and other assigned personnel.

### **Section 1008-a. Planning Director.**

The Planning Director shall be chosen on the basis of qualifications, character, education, training and experience. The Planning Director shall have such powers and duties as may be prescribed by the First Selectman.

### **Section 1009. Department of Environmental Health.**

1. The Department of Environmental Health shall be responsible for a variety of work related to health and safety related activities. Specific duties and responsibilities shall include food service inspections, subsurface sewerage disposal inspections and plan review, perc tests for subdivisions and building lots and zoning and housing code enforcement. The department shall have such other powers, duties and responsibilities as may be conferred on said department.
2. The department may consist of the Director of Environmental Health and other assigned personnel.

### **Section 1009-a. Director of Environmental Health.**

The Director of Environmental Health shall be chosen on the basis of qualifications, character, education, training and experience. The Director shall be certified as a Licensed Sanitarian. The Director of Environmental Health shall have such powers and duties as may be prescribed by the First Selectman and the General Statutes.

### **Section 1010. Building Department.**

The Building Department shall be responsible for the review of building plans for compliance with building, safety and technical codes. The department shall have such other powers, duties and responsibilities as may be conferred on said department.

### **Section 1010-a. Building Official.**

The Director of the Building Department shall be the Building Official. The Building Official shall be chosen on the basis of qualifications, character, education, training and experience. The Director shall be a State of Connecticut Licensed Building Official. The Building Official shall have such powers and duties as may be prescribed by the First Selectman and the General Statutes.

## ***CHAPTER XI. APPOINTIVE ADMINISTRATIVE OFFICES***

### **Section 1101. Appointments and Terms.**

There may be the following other administrative appointments made pursuant to Section 603 of this Charter: Fire Marshal and such deputies as may be required, Civil Preparedness Coordinator, Tree Warden, and Open Burning Official. Nothing contained herein shall prevent the First Selectman from eliminating or combining

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forementioned positions with the approval of the Board of Selectmen, provided an appointee is duly qualified to perform assigned functions. All such administrative appointees shall receive such compensation as may be fixed by the Board of Selectmen. All fees collected by administrative appointees shall be remitted to the General Fund. The terms of such administrative appointees, except the Fire Marshal, shall terminate on the same day as the term of the First Selectman, provided such appointees shall continue to serve until their successors are appointed and qualified.

### **Section 1102. Eligibility.**

No officer or employee of the Town shall serve on any Board if his or her duties on such Board conflict with the duties of his or her Town position. Any such officer or employee elected to public office in the Town shall, upon such election, forfeit the position to which he had been appointed. When making appointments, preference should be given, but not restricted, to residents of the Town of Portland.

### **Section 1103. Vacancies.**

Any vacancy in any appointive administrative office, from whatever cause arising, shall be filled by the First Selectman. Persons appointed to fill vacancies in administrative offices shall serve for the unexpired portion of the term vacated if such office has a fixed term, or shall serve for an indefinite term in the event no fixed term is provided for such office.

### **Section 1104. Fire Marshal.**

The Fire Marshal and deputies shall have such powers and duties, not inconsistent with the provisions of this Charter, conferred or imposed by the General Statutes on such offices and such powers and duties as may be prescribed by the Board of Selectmen. The Fire Department may offer advisory recommendations for consideration by the First Selectman for appointments to the office of Fire Marshal and Deputy Fire Marshal.

### **Section 1105. Coordinator of Civil Preparedness.**

The Coordinator of Civil Preparedness shall have such powers and duties, not inconsistent with the provisions of this Charter, conferred or imposed by the General Statutes and such other powers and duties as may be prescribed by the Board of Selectmen.

## ***CHAPTER XII. FINANCE AND TAXATION***

### **Section 1201. Budget.**

1. *Form of Budget.* Each department or Board of the Town, supported wholly or in part by Town funds, or for which a specific Town appropriation is made, including the Board of Education, shall prepare a detailed estimate of the expenditures to be made and the anticipated revenue other than tax revenue to be received during the ensuing fiscal year. This estimate shall be submitted to the First Selectman at least one hundred fifty (150) days prior to the end of the current fiscal year. The First Selectman, after consultation with the Director of Finance, shall prescribe the format for budget presentation which shall include as a minimum comparative statistics for the current and preceding fiscal year operations.
2. *Duties of the First Selectman on the Budget.* Not later than one hundred twenty (120) days before the end of the current fiscal year, the First Selectman shall present to the Board of Selectmen an itemized General Fund operating budget, which shall include a recommendation for the Board of Education budget, consisting of:

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- (a) A budget message outlining the financial policy of the Town government and describing in connection therewith the important features of the budget plan, indicating any major changes from the current fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes, and containing a clear general summary of its contents;
  - (b) Revenues, presenting in parallel columns, the itemized revenues collected in the last completed fiscal year, the current year budget estimate, estimated revenues to be collected during the current fiscal year and estimated revenues to be collected during the ensuing fiscal year;
  - (c) Expenditures, presenting in parallel columns, the actual itemized expenditures for each department and Board supported wholly or in part by Town funds, including the Board of Education, for the last completed fiscal year, the original budget allocations, the estimated expenditures to be incurred during the current fiscal year, and recommendations of the amounts to be appropriated for the ensuing fiscal year, which shall include the following:
    - (i) Reasons for all appropriation recommendations;
    - (ii) The budgeted cost of and/or the debt service charge for the first year of the capital budget;
    - (iii) Estimate of available surplus (or deficit) at the end of the current fiscal year;
    - (iv) At the same time that the First Selectman submits the General Fund operating budget to the Board of Selectmen, he shall submit the other budgets which shall consist of budgets for the following funds: Canine Control, Town Road Aid, Youth Services, Municipal Solid Waste, Resources Recovery, and the Capital Expenditures Budget, together with budgets for any other operations which may be created or identified. The budgets for the Sewer Services fund and the Water fund shall be prepared and adopted pursuant to Section 1212 of this Charter. All budgets shall contain the same basic information as is provided for in Subsections b and c above. Collectively, these budgets shall comprise the annual operating budget.
3. *Duties of the Board of Selectmen on the Annual Operating Budget.* The Board of Selectmen shall hold one (1) or more public hearings not later than one hundred five (105) days before the end of the fiscal year at which time any elector or taxpayer may have an opportunity to be heard regarding the appropriations for the ensuing fiscal year for the annual operating budget. Following receipt of the estimates from the First Selectman, the Board of Selectmen shall cause the estimates to be made available for review in the office of the Town Clerk, and at least five (5) days prior to the first public hearing, the Board of Selectmen shall cause to be published in a newspaper having a substantial circulation in the Town a notice of such public hearing and a summary of the proposed budget estimates showing anticipated revenues by major sources and proposed expenditures by functions or departments in the same columnar form as prescribed for budget estimates in Section 1201(2b and c) of this Charter, and shall also show the amount to be raised by taxation. After holding the final such public hearing, the Board of Selectmen shall approve the annual operating budget and file the same with the Town Clerk for submission to the Annual Town Budget Meeting. The Board of Selectmen shall have the authority to increase or decrease the annual operating budget submitted by the First Selectman.
4. *Adoption of the General Fund Operating Budget.* There shall be an Annual Town Budget Meeting for the consideration of the General Fund Operating Budget, hereinafter in this section referred to as "The Budget", commencing on the first Monday in May at such place as the Board of Selectmen may determine.

The only action proper to come before said meeting will be consideration of amendments to the budget and general discussion of the budget as presented or amended. No other action will be proper to come before said meeting.

The budget as presented may be amended to increase or decrease the Board of Education total and/or the General Government total by a two-thirds vote of those present and voting, provided, however, that the total number voting thereon shall be equal to at least five percent (5%) of the total qualified electors of the Town, as

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determined from the latest official lists of the Registrars of Voters. Any vote to amend the budget shall be by checklist and ballot.

The budget as amended or presented at the Town Meeting shall be submitted to the voters of the Town at a Budget Referendum to be held on the following Monday. If the budget is approved by a majority of those present and voting thereon at the Referendum, a copy or summary copy of the approved budget shall be filed with the Town Clerk within one week after the Referendum.

If the budget fails at Referendum, the budget shall be returned to the Board of Selectmen who shall resubmit a budget to a second Referendum.

If the budget fails at the second Referendum, the budget shall be returned to the Board of Selectmen. The Board of Selectmen may hold a Public Hearing on said budget, but shall be obligated to adopt a budget no later than midnight on May 31.

5. *Adoption of other budgets.* The Board of Selectmen shall adopt the other budgets after the Annual Town Budget Meeting.
6. *Expenditures Before Adoption of the General Fund Operating Budget.* Expenditures prior to the final adoption of the General Fund Operating Budget shall be in accordance with Section 7-405 of the General Statutes.

### **Section 1202. Capital Expenditures Budget.**

1. Form of Budget. Each department or Board of the Town, supported wholly or in part by Town funds, or for which a specific Town appropriation is made, including the Board of Education and sewer and water services, shall annually submit proposals to be included in a Five (5) Year Capital Expenditure Plan (the "plan"). The First Selectman shall prescribe the exact format, manner and time schedule for presentation of such proposals. The time schedule shall allow sufficient time to establish the priority projects of the plan as the capital expenditure budget for the ensuing fiscal year, and for submission of this capital budget to the voters at the Annual Town Budget Meeting.
2. The Director of Finance shall assemble the plan, confirm all cost estimates, develop bonded indebtedness projections, and submit the plan to the Long Range Capital Improvements Commission.
3. The Long Range Capital Improvements Commission shall review the plan in accordance with the provisions of Section 807 of this Charter and submit a list of recommendations to the First Selectman.
4. The First Selectman shall prepare the final plan together with his or her recommendations and the recommendations of the Long Range Capital Improvements Commission for submittal to the Board of Selectmen.
5. The Board of Selectmen shall review the plan together with the recommendations of the First Selectman and the Long Range Capital Improvements Commission, approve a one (1) year capital expenditure budget, and set the date for a public hearing in accordance with Section 1201(3) of this Charter.
6. After said public hearing, the Board of Selectmen shall prepare a capital expenditure budget, adopt resolutions authorizing the issuance of bonds and notes or other obligations to finance the adopted capital expenditures budget, and shall submit the same to the Annual Town Budget Meeting. The capital expenditures budget shall be adopted pursuant to Section 1201(5) of this Charter.

### **Section 1203. Supplemental Appropriations.**

1. The Board of Selectmen, upon request of the First Selectman or upon request of any appointed or elected Board, and with the approval of the First Selectman, may make supplemental appropriations subject to the

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following approval requirements. Requests from the Board of Education, however, shall not require approval of the First Selectman. The approval limits are cumulative during the fiscal year;

2. Any proposed supplemental appropriation shall include its proposed source of funding;
3. Any supplemental appropriation not exceeding one-half of one percent (.5%) of the current General Fund operating budget may be approved by the Board of Selectmen following a public hearing called by the Board of Selectmen. Notice of the making of such appropriation shall be published once in a newspaper having substantial circulation within the Town.
4. Any supplemental appropriation which exceeds one-half of one percent (.5%) of the current General Fund operating budget shall require Board of Selectmen approval following a public hearing called by the Board of Selectmen and be subject to approval at a Town Meeting. The Town Meeting shall be held not later than thirty (30) days following the action of the Board of Selectmen.

#### **Section 1204. Borrowing.**

1. The Town shall have the power to incur indebtedness by issuing its bonds, notes, or other obligations as provided by the General Statutes, subject to the limitations thereof. The issuance of bonds, notes, or other obligations shall be authorized by resolution of the Board of Selectmen with the approval of the Town Meeting for bonds and notes in excess of one (1) year and in amounts of less than five hundred thousand dollars (\$500,000.00) or in the case of refunding of bonds. If the total estimated cost of any improvement for which bonds are proposed to be issued exceeds five hundred thousand dollars (\$500,000.00), no bonds shall be issued for such improvement unless the resolution authorizing such issue shall also be approved by a majority of those voting thereon at a general election or a special election called and warned for such purpose. In the event of a special election, approval shall require a majority vote of those voting thereon, provided, however, that at least twenty percent (20%) of the voters qualified to vote, as determined by the last completed list of the Registrars of Voters and Assessor's Lists, shall have voted thereon.
2. Any two of the following shall execute all instruments required for borrowing: The First Selectman, Deputy First Selectman and Director of Finance.

#### **Section 1205. Public Emergency Expenditures.**

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed one (1) per cent of the current tax levy in any one (1) fiscal year, may be made upon the recommendations of the First Selectman and by a majority vote of the Board of Selectmen present. In the absence of sufficient General Fund resources to meet such appropriation, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Charter, as may be determined by the Board of Selectmen.

#### **Section 1206. Reporting.**

Not later than thirty (30) days after the end of each month, commencing with the beginning of each fiscal year, the First Selectman shall present to the Board of Selectmen a year-to-date financial report of the Town, including the Board of Education, showing all budget categories and comparing them to actual revenues received and expenditures and encumbrances made. This report shall also be filed with the Town Clerk.

#### **Section 1207. Expenditures.**

1. No purchase shall be made by any department, Board or officer of the Town, including the Board of Education, except through the First Selectman or the Director of Finance acting as the Purchasing Agent. The

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First Selectman or the Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

2. No voucher, claim or charge against the Town shall be paid until the same has been audited by the First Selectman or the Director of Finance and approved by either for correctness and validity. Payment of all approved claims shall be authorized by the First Selectman, which authorization shall be valid when countersigned by the Director of Finance. In the absence or inability to act of either the First Selectman or Director of Finance, the Deputy First Selectman may be authorized by the Board of Selectmen to substitute temporarily for either but not both of them.
3. The First Selectman shall prescribe the time at which and the manner in which persons receiving money on account of the town shall pay the same to the Director of Finance.
4. The several departments and Boards of the Town, including the Board of Education, shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated.
5. The Finance Director may at any time, upon request of a department director or Board chair and the approval of the Board of Selectmen, transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the budget of the same department or Board.
6. Upon request transmitted by the First Selectman, but only within the last three (3) months of the fiscal year, the Board of Selectmen may by resolution transfer any unencumbered appropriation, balance, or portion thereof from one department or Board to another, with the exception of the Board of Education which shall have the power to make its own transfers provided that such transfers are reported to the Board of Selectmen when so made.
7. 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, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrance of the appropriation thereof. Except as otherwise provided by the Board of Selectmen, any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.
8. Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person knowingly receiving such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for removal, except in payment of final judgments rendered against the Town.

## **Section 1208. Purchasing.**

1. The First Selectman or the Director of Finance shall contract for and purchase all supplies, materials, equipment and other commodities and services required by any department or Board of the Town, including the Board of Education, on requisition signed by the head of the department or a responsible representative appointed by such head of department, pursuant to the provisions of this section and Section 405 of this Charter.
2. All requisitions for expenditures over an amount set annually by the Board of Selectmen shall require sealed bids, except in the case of licensed professionals or specialty services where bidding shall not be required when services and fees shall be negotiated. Bid requests made under this section shall be published at least ten (10) days prior to the opening of bids in a newspaper having a substantial circulation in the Town. Sealed bids shall be opened and read aloud at a place, date and time specified in the bid requests. Bid requests shall state that the First Selectman or his or her agent or the Superintendent of Schools or his or her agent, as



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applicable to educational supplies, equipment or materials, may reject any and all bids if, in their opinion, it is in the best interests of the Town to do so. If the lowest bid meets all specifications and is not accepted, the matter shall revert to the Board of Selectmen for its decision or to the Board of Education, as applicable, for its decision.

3. Bulk items such as road salt, fuel oil, gasoline and other similar items which are to be delivered at intervals shall be bid on a unit measure basis.
4. Notwithstanding any of the provisions of this section, the First Selectman may request specifications from the department head for any and all requisitions and shall be required to obtain specifications for educational supplies, equipment and materials for the use of the Board of Education.
5. All contracts and purchase orders up to and including one thousand dollars (\$1,000.00) shall be signed by the First Selectman or the Director of Finance. All contracts and purchase orders exceeding one thousand dollars (\$1,000.00) shall be signed by the First Selectman and the Director of Finance.
6. All contracts and purchase orders for the Board of Education shall be signed by the Superintendent of Schools or his or her agent and countersigned by the Director of Finance to assure compliance with accounting and purchasing procedure.
7. The Board of Selectmen may waive the provisions of Section 1208 of this Charter pertaining to bid requirements if deemed in the best interest of the Town.

#### **Section 1209. Tax Bills.**

The Collector of Revenues shall mail to each taxpayer, where applicable and in accordance with the provisions of the General Statutes, all real or other property tax bills, water bills, sewer bills and such other tax bills as may be required.

#### **Section 1210. Fiscal Year.**

The Fiscal Year of the Town of Portland shall begin on July 1st and end on June 30th of the following calendar year.

#### **Section 1211. Annual Audit.**

The Board of Selectmen shall annually designate an independent certified public accountant or firm of independent certified public accountants to audit the books and accounts of the Town, including water and sewer accounts, in accordance with the provisions of Chapter 111 of the General Statutes.

#### **Section 1212. Water and Sewer Budgets.**

The First Selectman shall present budgets for water and sewer services, including capital expenditures, to the Board of Selectmen no later than one hundred fifty (150) days prior to the end of the current fiscal year. Copies of budgets shall be filed with the Town Clerk not later than five (5) days prior to the public hearing. The Board of Selectmen shall hold one or more public hearings on the water and sewer services budgets. Final budgets for water and sewer services shall be adopted by the Board of Selectmen not later than May 1st.

#### **Section 1213. Distribution, Use, Charges and Regulations of Water and Sewer Services.**

On the advice of the Water and Sewer Commission, the Board of Selectmen shall regulate the distribution and use of the water from the reservoirs or the water supply of waterworks and of sewer services in all places and prescribe the purposes to which the same may be applied. The Board of Selectmen shall establish scales of prices

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or terms upon which water shall be furnished, and sewer uses charged, and regulate the time or times of payment. The Board of Selectmen may lease property under its control and the rental income received therefrom shall be paid into the appropriate fund account. The Collector of Revenues of the Town shall collect all water and sewer charges and shall remit same to the Director of Finance. Prices or charges, when so established, shall be a fair and reasonable compensation for the use of the water and treatment, so long as the aggregate of each the water and sewer charges shall be sufficient to pay the annual expenses of the works, together with the payments and withholdings as provided in sections hereinafter prescribed. The Board of Selectmen shall establish periodically water rates for the use of water and the charges for sewer service. The Board of Selectmen shall hold one or more public hearings on such proposed rates at which time any water or sewer user shall have an opportunity to be heard regarding such rates. Such rates shall be approved by the Board of Selectmen and shall become effective fourteen (14) days after publication in a newspaper having a substantial circulation in the Town.

#### **Section 1214. Liens, Assessments for Services.**

All water, sewer and sanitation charges, and all service charges due for any service under the provisions of this Charter shall be and remain a lien upon the house, tenement or lot, wherein or in connection with which service shall have been rendered to the owner or occupant thereof; and the lien shall have priority over all other liens and encumbrances, except taxes or other Town liens prior in date, on the house, tenement or lot, whereon the same is imposed, and may be enforced or foreclosed by and in the name of the Town of Portland, before any court having competent jurisdiction thereof, in the same manner as mortgages on lands and buildings are foreclosed. The Board of Selectmen of the Town of Portland shall have the right and power to authorize the sale of any interest in any such house, tenement or lot which the Town shall acquire by reason of such foreclosure, and the proceeds of any such sale shall be paid into the appropriate service fund. Such liens shall be perfected and be in effect in accordance with the provisions of the General Statutes relating to the taxes on real estate.

#### **Section 1215. Assessments, Collection, Warrant Lien.**

In any case where, under the provisions of this Charter or of any bylaw or ordinance of the Town, a sum of money other than taxes, shall have been ordered by the Board of Selectmen to be paid by any person, or where any assessment shall have been made, or where any expense shall have been incurred by the Town because of the failure of a property holder to comply with any order of the Board of Selectmen or Town Meeting or with an ordinance, the Board may appoint a collector to collect such sums of money, assessments or expenses and who shall be required to account for the amount of the same. The First Selectman shall issue a warrant authorizing such collector to collect the same. Every such collector shall proceed in the same manner and have the same powers and be under the same regulations as by law prescribed for collectors of public taxes. All such sums of money other than taxes, but including assessments or expenses shall be subject to interest from the date when the same shall become payable at the same interest rate or rates and in the same manner as shall be provided by the General Statutes in case of delinquent taxes, and shall remain a lien upon the property specially benefited by the public work or improvement with reference to which such assessment was made or upon the property against which such expense be chargeable. Such lien, and all liens created under the provisions of this Charter, shall take precedence and priority over any lien or encumbrance on the property whereon the same shall be imposed, except taxes and other Town lien prior in date; and any such lien may be foreclosed in the same manner as if such lien were a mortgage given the Town to secure the amount of such assessment of such expense, provided such lien shall not continue for a period longer than sixty (60) days, after the time when such assessment or such expenses shall become payable, unless before the expiration of sixty (60) days a certificate, signed by the First Selectman of the Town describing the property on which the lien shall exist and the amount claimed by the Town as a lien thereon, shall be lodged with the Town Clerk. Whenever any such lien shall have been satisfied, a certificate of such fact, signed by the First Selectman of the Town shall be lodged with the Town Clerk. The Town Clerk shall record all such certificates in a book kept for that purpose, and the reasonable expense of filing and discharging such lien shall be added to such assessment or expense. Any person willfully interrupting, hindering,

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abusing, resisting or obstructing any such collector in the discharge of his or her duty shall be fined not exceeding one hundred dollars (\$100.00).

## ***CHAPTER XIII. TOWN EMPLOYEES***

### **Section 1301. General.**

The First Selectman shall establish rules and regulations for personnel administration, as described in Section 1303 of this Charter. These rules and regulations shall become effective when approved by the Board of Selectmen and filed with the Town Clerk. The rules and regulations may be amended upon recommendation of the First Selectman and approval of the Board of Selectmen. The rules and regulations shall cover all employees of the Town except the following: elected officials; members of Boards; persons employed in a professional capacity to make or conduct a temporary or special inquiry, study or investigation; employees of the Board of Education; those under contract; and those who are covered under collective bargaining provisions.

### **Section 1302. Job Descriptions.**

The First Selectman, shall prepare a statement of the duties and responsibilities of each position covered by the personnel rules and regulations and of the minimum qualifications for appointment to such position.

### **Section 1303. Personnel Rules.**

The personnel rules and regulations shall establish uniform procedures for the recruitment and removal of employees and may provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves, leaves of absence, and such other rules as may be necessary to provide an adequate and systematic procedure for the administration of the personnel affairs of the Town. Copies of such rules and any amendments thereto shall be distributed to all Town employees.

### **Section 1304. Salaries.**

The First Selectman shall submit a wage and salary scale and proposed pay rate to the Board of Selectmen for all positions and employees covered under Section 1301 of this Charter. These wage and salary scales and pay rates shall take effect upon adoption by resolution of the Board of Selectmen. Amendments to such wage and salary schedules and pay rates may be adopted by the Board of Selectmen from time to time upon recommendation of the First Selectman. For purposes of Chapter 113 of the General Statutes, the First Selectman shall have the sole authority to recognize the exclusive bargaining agent for any unit of Town employees and shall act as the bargaining agent for the Town, except for the Board of Education.

### **Section 1305. Retirement.**

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

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### **Section 1306. Official Bonds.**

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

## ***CHAPTER XIV. TRANSITION AND MISCELLANEOUS PROVISIONS***

### **Section 1401. Transfer of Powers.**

The powers which are conferred and the duties which are imposed upon any Board or department under the General Statutes or any ordinance or regulation in force at the time this Charter shall take effect, if such Board or department is abolished by this Charter or superseded by the creation herein of a new Board or department to which are granted similar powers and jurisdiction, shall be thereafter exercised and discharged by the Board or department upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All Boards or departments abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provisions have been made for the discontinuance of such Boards or departments and the performance of their duties by other Boards or departments created under this Charter and until the Town Clerk shall have notified the members of such Boards or departments as are abolished by this Charter that their successors have qualified.

### **Section 1402. Present Employees to Retain Positions.**

All employees of the Town on the effective date of this Charter whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Board of Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any provision of law in force at the time of this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or agency thereof, shall continue to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter. Any employees of the Town as defined in Chapter XIII of this Charter on its effective date shall be retained without preliminary or performance tests and shall thereafter be subject in all respects to the provisions of the Charter.

### **Section 1403. Conflicts of Interest.**

Any elected or appointed officer, member of any Board or Town employee who has a direct or indirect financial interest in any matter regarding which such person has or may have any official duties, shall disclose that interest to the Board of Selectmen who shall record such information in their official minutes. Any such person shall be disqualified from participation in the awarding, assignment or discussion of any such contract, transaction or decision in which he or she has a direct or indirect financial interest, unless expressly and previously exempted by the Board of Selectmen from disqualification. Any person found, after notice to the affected person and hearing, by the Board of Selectmen to have willfully violated the provisions of this section shall be subject to removal from office by the Board of Selectmen.

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#### **Section 1404. Transfer of Records and Property.**

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

#### **Section 1405. Continuation of Appropriations and Town Funds.**

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

#### **Section 1406. Legal Proceedings.**

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any Board or department thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any Board or department which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another Board, department or the officer to which such functions, powers and duties have been assigned or transferred by or under this Charter.

#### **Section 1407. Existing Laws and Ordinances.**

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

#### **Section 1408. Review and Amendment of Charter.**

This Charter shall be amended in the manner prescribed in Chapter 99 of the General Statutes. A review of the provisions of this Charter shall be made by the Board of Selectmen not less than once every five (5) years. A Charter Revision Commission may be created by a two-thirds ( $\frac{2}{3}$ ) vote of the Board of Selectmen or by a petition, properly filed with the Town Clerk, and signed by at least ten percent of the qualified electors of the Town.

#### **Section 1409. 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 the section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such ruling shall directly apply.

#### **Section 1410. Usage.**

1. When the context so requires, the masculine gender shall include the feminine, and the singular shall include the plural, and the plural the singular.

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- Any person elected to the position of First Selectman or to the Board of Selectmen, who so chooses, may substitute the title First Selectman with First Selectwoman or First Selectperson and the title Selectman with Selectwoman or Selectperson.

### **Section 1411. Resignations.**

Any elected or appointed member of any Board who wishes to resign from office, shall do so in writing to the Town Clerk with a copy forwarded to the First Selectman and the Chairman of the Board. The resignation shall become effective upon receipt by the Town Clerk. Resignation by the Town Clerk shall be filed with the First Selectman. Vacancies shall be filled in accordance with Sections 205 and 803 of this Charter.

### **Section 1412. Definitions.**

- When the word "Board" is used in this Charter, it shall be interpreted to mean the following: Board, Agency, Commission, Committee, Authority or similar body of the Town. The term as used shall apply whether such are elected or appointed.
- When the term "General Statutes" is used in this Charter, it shall mean the Connecticut General statutes as the same may be amended from time to time.
- The term "voter" when used in this Charter shall mean electors of the Town and any citizen of the age of 18 years or more, who, jointly and severally, is liable to the Town for taxes assessed against such person on an assessment of not less than \$1,000.00 on the last completed Grand List.
- The term "elector" when used in this Charter shall mean any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of any elector in a town.

### **Section 1413. Effective Date.**

This Charter, as revised, shall become effective 30 days after approval of a majority of the Town Electors voting hereon at a regular or special election as determined by the Board of Selectmen and in accordance with the provisions of Chapter 99 of the General Statutes.

## **CHARTER COMPARATIVE TABLE LOCAL LEGISLATION**

This table shows the location of the sections of Subpart A of the Charter, as approved by the voters of the town and any amendments thereto.

| Adoption Date | Effective Date | Section      | Section this Charter |
|---------------|----------------|--------------|----------------------|
| 11- 2-82      | 11- 8-83       | 101—<br>1414 | 101—<br>1414         |
| 11- 2-93      | 12- 3-93       | 101—<br>1413 | 101—<br>1413         |
|               |                |              |                      |
|               |                |              |                      |

PART I - CHARTER, SPECIAL ACTS AND RELATED MATTERS  
CHARTER COMPARATIVE TABLE LOCAL LEGISLATION

| Adoption<br>Date | Election<br>Date | Section | Section<br>this<br>Charter |
|------------------|------------------|---------|----------------------------|
| 9- 3-97          | 11- 4-97         |         | 302,                       |
|                  |                  |         | Ch. IX<br>(tit.),<br>901,  |
|                  |                  |         | 1001,<br>1101,             |
|                  |                  |         | 1201-<br>4, 1410           |
|                  |                  | Added   | 902,                       |
|                  |                  |         | 1008—<br>1010              |
|                  |                  | Rpld    | 1104,<br>1105              |
|                  |                  | Rnbd    | 1106,<br>1107              |
|                  |                  | as      | 1104,<br>1105              |
|                  | 11- 2-2004       |         | 101—<br>1414               |

## Subpart B SPECIAL ACTS AND RELATED MATTERS<sup>2</sup>

### INCORPORATION OF TOWN OF CONWAY AND CHANGE OF NAME TO TOWN OF PORTLAND

#### ***INCORPORATING THE TOWN OF CONWAY***

*Volume IV Special Acts Page 1265 Passed 1841*

Upon petition of sundry inhabitants of the Town of Chatham, in the County of Middlesex praying for reasons therein set forth, that a division be made of said town, and that a new town may be incorporated therefrom, as per petition on file:

RESOLVED, That all that part of the Town of Chatham lying and being within the following limits, vis, beginning at the point where "Taylors Brook", so-called, empties itself into the river Connecticut, thence running northerly and following the course of said brook to the easternmost bend thereof; thence to the south end of Great Hill, so-called, to a point in the divisional line between the societies of Chatham 1st Society and East Hampton, thence northerly on said division line to the division line between the towns of Glastonbury and said

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<sup>2</sup>Editor's note(s)—Printed herein is a selected list of Special Acts of the General Assembly and Related Matters applicable to the Town of Portland. Many of the Acts have been superseded by Charter provisions and/or state statutes and are printed for historical purposes only or for the benefit of users of this volume.

PART I - CHARTER, SPECIAL ACTS AND RELATED MATTERS  
Subpart B - SPECIAL ACTS AND RELATED MATTERS  
INCORPORATING THE TOWN OF CONWAY

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Chatham; thence westerly on said division line to Connecticut River; thence following the course of said river to the place of beginning, with all the inhabitants residing within said limits, be and the same is hereby incorporated into a distinct town by the name of Conway; and the inhabitants aforesaid and their successors forever, residing within said limits, shall have and enjoy all the powers, privileges and immunities which are enjoyed by other towns in this state, with the privilege of sending one representative to the General Assembly of this state. And said new town shall pay its proportion according to the list of 1840, of all debts, charges and expenses, suits, petitions and claims, already due and accrued, commenced and existing against said Town of Chatham, or for which said town hereafter be rendered liable, by force of any claim now existing. And the poor of said Town of Chatham, who were born within the limits hereby incorporated and have not gained a settlement elsewhere in this state than in said Town of Chatham, or who have gained a settlement in said Town of Chatham by residence or otherwise within said limits, shall be deemed inhabitants of said Town of Conway, and shall be maintained accordingly; and said Town of Conway shall be liable to maintain all such poor of said Town of Chatham as are or may be absent therefrom, provided such persons at the time of departure belonged to that part of the Town of Chatham hereby incorporated. The house of industry, or poor house, and the land connected therewith, property of said Town of Chatham at the time of passing this resolve, shall be held in common by the Town of Chatham and said new town in equal proportions, one moiety thereof by said Town of Chatham, and the other moiety thereof by said new town, the same to be used in common by both said towns in the aforesaid proportions, for the purposes for which they were originally designed and appropriated; and all the rest and residue of town property belonging to said Town of Chatham at the time of passing this resolve, including the proportion of the town deposit fund, (excepting always the public records,) shall be equally divided, or the avails thereof, in the proportion above stated; always provided, that if after the organization of said Town of Conway, the selectmen of the aforesaid towns do not agree in the division of the paupers or funds and property belonging to said towns, the selectmen of either town may apply to George Merrick, Esq.; of Glastonbury, William J. French and William S. Camp Esqrs., of Middletown, who, or either two of whom, are hereby authorized and empowered to divide said paupers, and funds, and property, in manner and form as aforesaid; which division shall be final and conclusive, first duly notifying the selectmen aforesaid of the time, place and when the same shall be made. The collectors of the state and town taxes in the Town of Chatham are hereby authorized to collect their respective taxes already laid, and in their respective rate books contained, in the same manner as though this resolve had not been passed. The first town meeting of said Town of Conway shall be held at the Congregational meeting house therein, on the third Monday in June, A.D. 1841, at 9 o'clock A.M.; and Henry Hall Esq., or in case of his absence, William W. Campbell, Esq., shall be moderator thereof; and said meeting shall be warned by Erastus Strong, Esq., and in case of his absence by David Crittenden, Esq., by setting up a notification of the same on the public signpost within the limits of said new town, and at such other place or places as either of said persons may deem proper, at least six days before said meeting; and said Town of Conway shall have all the powers at said first meeting incident to other towns in this state, and full right to act accordingly; and the officers elected at such meetings shall hold their offices until others are chosen and sworn in their stead; and this act shall take effect from and after the day of its passage.

### **CHANGE OF NAME TO TOWN OF PORTLAND**

*Volume 4 Special Acts, Page 1267 Passed 1841*

RESOLVED by the Assembly that the name of the Town of Conway be and the same is hereby changed, and said town shall hereafter be known and called by the name of Portland.

### **ESTABLISHING MILEAGE OF THE TOWN OF PORTLAND**

*Volume 4 Special Acts, Page 1267 Passed 1842*



PART I - CHARTER, SPECIAL ACTS AND RELATED MATTERS  
Subpart B - SPECIAL ACTS AND RELATED MATTERS  
ESTABLISHING MILEAGE OF THE TOWN OF PORTLAND

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RESOLVED that the mileage from the Town of Portland in Middlesex County to Hartford be seventeen (17) miles, and to New Haven twenty-nine (29) miles.

***ESTABLISHING BOUNDARY LINE BETWEEN PORTLAND AND CHATHAM***

*Vol. IV Special Acts 1848 Page 1229*

Whereas, doubts have arisen respecting the true boundary line between the Towns of Portland and Chatham; and whereas the said towns have respectively voted to accept and approve, as such boundary line, the line surveyed and defined by the selectmen of said towns, in November, 1841; therefore, RESOLVED by this assembly, That the line surveyed by the selectmen of the Towns of Portland and Chatham, in November, 1841, is the boundary line between said towns.

Passed 1848.

***CONCERNING THE FUNDS OF SCHOOL DISTRICT NUMBER ONE IN THE TOWN OF PORTLAND***

*Vol. 13 Special Acts Page 224*

**Section 1.** That the funds left in trust by Sylvester Gildersleeve for the use and benefit of School District Number One in the Town of Portland, to wit: fifty (50) shares of the capital stock of the First National Bank of Portland, thirty-three (33) shares of the capital stock of the Middletown National Bank of Middletown, and the sum of five thousand nine hundred one dollars and forty-six cents (\$5,901.46) on deposit in Freestone Savings Bank in the Town of Portland, are hereby transferred to Ferdinand Gildersleeve, Oliver Gildersleeve, Archibald C. Goodrich, and their successors, who shall be known as the board of trustees of School District Number One in the Town of Portland.

**Sec. 2.** Said trustees are authorized to use and expend the income, interest, and dividends from time to time accruing from the said funds, for educational purposes, so as to carry out the intention of the said Sylvester Gildersleeve, as expressed by his written declarations of gift recorded in the public records of said district.

**Sec. 3.** Said interest, dividends, and income shall be used for educational purposes only within the limits of the said School District Number One as existing on the first day of June, eighteen hundred and ninety-nine.

**Sec. 4.** Said trustees are hereby empowered to appoint their successors, but the trustees shall always be residents of the territory now constituting the School District Number One, and whenever one of said trustees shall cease to be a resident of said district there shall be a vacancy in the board and the remaining trustees shall appoint a successor, and the appointment shall be certified to the judge of probate of the district of Chatham and shall be recorded in the records of said probate district. In case the trustees shall fail to fill a vacancy in their number within six (6) months after such vacancy occurs the judge of probate for the district of Chatham shall appoint a person to fill the vacancy, which appointment shall be full compliance with the provisions of this act and shall be recorded as above provided.

**Sec. 5.** Said trustees and their successors are authorized from time to time to invest and reinvest said funds, and when the same shall be reinvested they shall be invested as provided by law for the investment of trust funds.

**Sec. 6.** Said trustees and their successors shall annually make a report to the judge of probate of the district of Chatham of their doings in connection with the principal, interest, and disposition of said funds, which report shall be made a part of the records of said probate district.

PART I - CHARTER, SPECIAL ACTS AND RELATED MATTERS  
Subpart B - SPECIAL ACTS AND RELATED MATTERS  
CONCERNING THE FUNDS OF SCHOOL DISTRICT NUMBER ONE IN THE TOWN OF PORTLAND

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**Sec. 7.** The original declarations of gift of the said Sylvester Gildersleeve and the records of said School District Number One of the Town of Portland containing said declarations of gift shall, on the first Monday of July, eighteen hundred and ninety-nine be deposited in the office of the court of probate for the district of Chatham and shall become a part of the records of said district.

Approved, May 11, 1899.

**CONCERNING THE FUNDS OF SCHOOL DISTRICT NUMBER ONE IN THE TOWN OF  
PORTLAND**

*Special Acts Volume XIII, Page 740*

That the board of trustees of School District Number One in the Town of Portland, created and appointed under a resolution of the general assembly, approved May 11, 1899, be and they are hereby authorized to receive and invest all funds to which said district would have been entitled, is entitled, or will hereafter be entitled if the said district, formerly known as District Number One in the Town of Portland, had not been consolidated with the other school districts of said Town of Portland under the provisions of the statutes of this state, whether such funds are derived from bequest or devise, and administer the said funds according to the terms of such gift, bequest, or devise, and in accordance with the provisions of said resolution.

Approved, April 25, 1901.

**SCHOOL DISTRICTS PROPERTY VESTED IN TOWN**

*Volume XV Special Acts Page 693*

Resolved by this assembly that the Town of Portland shall succeed to all rights which any school districts had in any real estate within said town at the time said town voted to consolidate its school districts.

Approved, May 6, 1909.

**USE OF NETS IN WRIGHT'S COVE PROHIBITED**

*Volume XVIII Special Acts, Page 550*

No person shall draw, set or use any net, fyke, scine, fyke net or set net in the waters of Wright's Cove in the Town of Portland between June first and March first. Any person violating any provision of this act shall be fined not more than fifty dollars or imprisoned not more than thirty (30) days or both.

Approved, May 5, 1921.

**ABOLITION OF BOARD OF ASSESSORS**

*Special Act. No. 258 Page 188-9 1943*

AN ACT PROVIDING FOR AN ASSESSOR IN THE TOWN OF PORTLAND AND ABOLISHING THE BOARD OF ASSESSORS

**Sec. 1.** The board of assessors of the Town of Portland is abolished, provided this act shall be approved by vote of the electors of said town as hereinafter provided.

PART I - CHARTER, SPECIAL ACTS AND RELATED MATTERS  
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ABOLITION OF BOARD OF ASSESSORS

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**Sec. 2.** There shall be a single assessor in said town who shall be appointed as hereinafter prescribed and shall have all the powers, duties and rights conferred or imposed upon said board of assessors, except as hereinafter provided.

**Sec. 3.** Appeals may be taken from assessments made by said assessor in the same manner as from assessments made by the former board of assessors.

**Sec. 4.** Said assessor shall be appointed by a majority vote of the board of finance of said town within thirty days after the adoption of this act as hereinafter prescribed, and shall hold office until the first Monday of October, 1944. Within a period of thirty (30) days preceding the first Monday of October, 1944, and biennially thereafter, said board of finance, by a majority vote, shall appoint a successor to the assessor whose term expires on such first Monday of October. Any vacancy shall be filled in the same manner by a majority vote of the board of finance of said town within thirty (30) days after the occurrence [occurrence] of such vacancy, and the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of his predecessor. In the event of the temporary incapacity or inability of said assessor, the board of finance, by a majority vote, may designate any person employed in the office of said assessor and, if there be no such employee, any other person, to act in his place during the period of his incapacity or inability to act, but for a single period of not more than three (3) months. The person so designated during the period of appointment shall have and perform all the powers, duties and rights of said assessor.

**Sec. 5.** Any incumbent of said office may be removed by a majority vote of the board of finance of said town after a hearing upon written charges of dishonesty or incompetence preferred by a member of the board of selectmen or board of finance.

**Sec. 6.** Said assessor shall have power to appoint and to remove at pleasure such number of assistants, clerical, engineering, appraisal or otherwise, as may be authorized by the board of finance and for which appropriations have been made. The assessor shall make such rules and regulations for the conduct of his office as may be approved by the board of finance. All records and maps of said assessor shall be open to public inspection at reasonable times.

**Sec. 7.** The salary of said assessor and such assistants as he may be authorized to engage shall be fixed by a majority vote of the board of finance of said town in the same manner as all other requests for appropriations and shall be included in the town budget and acted upon at a town meeting in the same manner as all other appropriations recommended by the board of finance.

**Sec. 8.** Any provision of the general statutes or of the special acts inconsistent with the provisions of this act shall have no force and effect so far as it relates to the assessment of property for taxation in the Town of Portland.

**Sec. 9.** This act shall take effect upon its approval by a majority vote of the electors of the Town of Portland voting at a town meeting to be held on the eighth Monday after the approval of this act by the governor. The selectmen of said town shall warn a town meeting to be held on said day for the purpose of voting upon the approval of this act. If such vote shall be in favor of the approval of this act, it shall thereupon take effect and a certificate of approval, signed by the town clerk, shall be filed in the office of the secretary of the state.

Approved, May 10, 1943.

***ABOLITION OF BOARD OF ASSESSORS***

*Vol. III Town Meeting Records, Page 418, July 5, 1943*

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ABOLITION OF BOARD OF ASSESSORS

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Voted: That the Town of Portland hereby approves the Act of the General Assembly concerning the abolition of the Board of Assessors and the appointment of a single assessor.

*Board of Finance Minutes Vol. I, Page 253, October 2, 1959*

Voted that George F. Dobson of Bridgeport, Conn. be appointed assessor under the provisions of Special Act No. 258, passed by the 1943 session of the General Assembly, to fill the unexpired term of Frank J. Gallagher, resigned, until the first Monday of October, 1960.

**APPOINTMENT OF ASSESSOR**

*Board of Finance Minutes Vol. I, Page 261, July 21, 1960*

Voted that the contract of George Dobson be extended to April 1, 1961 for the consideration set forth in the minutes of the meeting of the Board of Finance October 2, 1959, as the single assessor for the Town of Portland, and to authorize the chairman of the board to sign any contracts.

**AN ACT AUTHORIZING THE TOWN OF PORTLAND TO ACQUIRE, MAINTAIN AND OPERATE WATER SUPPLY SYSTEMS AND TO ISSUE BONDS FOR SUCH PURPOSE**

*Vol. XXIV Special Acts, Page 340*

**Section 1.** The Town of Portland shall have power to acquire, by purchase, any system or systems of water supply maintained or operated for the purpose of supplying water within said town for domestic, business, industrial or other use, and to issue bonds, from time to time, to finance the cost of acquiring any such system or systems of water supply. Any such system of water supply so acquired may include any lands or rights in land or property, real or personal, whether within or without said town, used in the operation of such system.

**Sec. 2.** Any bonds issued pursuant to this act shall be denominated "water bonds" and shall bear interest at a rate which shall not exceed four (4) percent per annum. All such bonds shall be coupon bonds but may be made registerable either as to principal only or as to both principal and interest. Such bonds may be issued either as a single issue of bonds or as one or more separate issues of bonds. The bonds of each issue shall mature in annual installments, the first of which shall mature not later than two years after the date of the bonds of such issue and the last of which shall mature not later than twenty (20) years after the date of the bonds of such issue. All bonds issued pursuant to this act shall be sold for not less than par. Such bonds shall be issued in such form and in such denomination and shall mature in such manner and bear such rate or rates of interest and shall contain such provisions as to time, place and medium of payment and shall be signed and executed and sold and delivered in such manner as the board of selectmen may determine, subject to the limitations and restrictions contained in this act and in accordance with any determination made by said town at any meeting called and held as herein provided. All such bonds shall be issued in the name of and on behalf of and upon the credit of said town and, when so executed, issued and delivered, shall be obligatory upon such town and upon the inhabitants thereof according to the tenor and purport of the same. Any bonds issued pursuant to and in accordance with this act shall be negotiable instruments.

**Sec. 3.** Before any system of water supply is acquired and any bonds issued pursuant to this act, the Town of Portland shall, at a meeting called and held for such purpose, determine to acquire such system of water supply and determine, within the limitations prescribed by this act, the maximum principal amount of bonds to be issued

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to finance the acquisition of such system of water supply and the maximum annual rate of interest to be borne by such bonds.

**Sec. 4.** In the event that the Town of Portland shall, at a meeting duly called and held as herein provided, determine to acquire any such system of water supply, the selectmen of said town shall be authorized to acquire such system of water supply at a cost which shall not exceed the maximum principal amount of the bonds determined to be issued for such purpose and said selectmen shall have power to do all things and perform all acts necessary to acquire such system of water supply.

**Sec. 5.** The Town of Portland shall have power to maintain and operate any such system of water supply acquired pursuant to this act. The selectmen of said town shall have and exercise the exclusive control, care and management of said system of water supply and of all property rights and interest thereto related or therewith connected. Said selectmen may appoint, with the approval of the board of finance, and prescribe the powers and duties of, a superintendent of such system of water supply and may make all rules and regulations needful for the care, management, operation and maintenance of such system of water supply and for the distribution and use of water and may establish the manner of payment therefor, the method of collection of water rents and the penalties for non-payment of the same, and may make all contracts and do and perform all acts necessary and convenient for such purposes. (See amendment.)

**Sec. 6.** The public utilities commission, upon written petition or complaint of any water taker in the town, may make such investigation of the rates and charges for water and service furnished as may be necessary to determine whether the rates charged or proposed to be charged water takers are unreasonably discriminatory or more or less than just, reasonable and adequate, or that the service furnished is inadequate to or in excess of public necessity and convenience. If said commission shall find any rate to be unreasonably discriminatory or more or less than just, reasonable and adequate to enable the town to provide properly for the public convenience, necessity and welfare, or the service to be inadequate or excessive, it may determine and prescribe an adequate service to be furnished and just and reasonable maximum rates and charges to be made by the town. The commission may, in its discretion, pending its conclusion upon an amendment increasing any rate, suspend the effective date of such increase for a period not exceeding ninety (90) days pending the conclusion of the commission upon an amendment increasing any rate.

**Sec. 7.** If the Town of Portland shall, at a meeting called and held as herein provided, determine to acquire any such system of water supply, the selectmen of said town may acquire the stock or other obligations of any corporation owning such system of water supply if the selectmen shall, in their discretion, deem it necessary or advisable to acquire such stock or obligations in order to effect the acquisition of such system of water supply; provided such stock or obligations shall not be acquired unless the stock so acquired shall amount to seventy-five (75) percent of the aggregate capital stock of such corporation.

**Sec. 8.** The selectmen may, by ordinance, provide that, upon the non-payment of charges for water after the time prescribed and limited for payment, said town may charge and receive additional percentage for collecting the same, and may, at the opinion of said town, refuse to furnish additional water until all unpaid bills and charges shall have been satisfied.

Approved, June 30, 1943.

**AN ACT AMENDING AN ACT AUTHORIZING THE TOWN OF PORTLAND TO  
ACQUIRE, MAINTAIN AND OPERATE WATER SUPPLY SYSTEMS**

*Special Act No. 185, Page 213, 1947*

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AN ACT AMENDING AN ACT AUTHORIZING THE TOWN OF PORTLAND TO ACQUIRE, MAINTAIN AND OPERATE  
WATER SUPPLY SYSTEMS

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**Section 1.** Section 5 of an act authorizing the Town of Portland to acquire, maintain and operate water supply systems, approved June 30, 1943, is repealed and the following is substituted therefor: The Town of Portland shall have power to maintain and operate any such system of water supply acquired pursuant to this act. The selectmen of said town, subject to the approval of the board of finance, shall have and exercise the control, care and management of such system of water supply and of all property rights and interest thereto related or therewith connected. Said selectman may appoint, with the approval of the board of finance and prescribe the powers and duties of, a foreman of such system of water supply and may make all rules and regulations needful for the care, management, operation and maintenance of such system of water supply and for the distribution and use of water and may establish the manner of payment therefor, the method of collection of water rents and the penalties for nonpayment of the same, and may make all contracts and do and perform all acts necessary and convenient for such purposes, subject to the approval of the board of finance.

**Sec. 2.** This act shall become effective upon its approval by the Town of Portland at a town meeting called for that purpose.

Approved, May 28, 1947.

***VOTE TO PURCHASE PORTLAND WATER COMPANY***

*Vol. IV Town Meeting Records, Page 5, October 28, 1943*

Voted and it is hereby determined that the Town of Portland shall acquire by purchase, all of the physical assets, including the system of water supply maintained and operated by The Portland Water Company for the purpose of supplying water within said town for domestic, business, industrial or other use, including any lands or rights in land, flowage rights of property, real and personal, used in the operation of such water supply system for the sum of one hundred ninety thousand dollars (\$190,000.00).

***AN ACT INCORPORATING THE PORTLAND SEWER COMPANY AND AUTHORIZING  
PORTLAND SEWER DISTRICT***

*(Special Acts 1915 Page 481 et seq.)*

**Section 1.** F. Gildersleeve, J. Allen Butler, E. Irving Bell, Frank Brainerd, John H. Sage, Charles E. Blodgett, Andrew N. Shepard, John Bransfield, Charles W. Cramer, Alfred Gildersleeve, F. DePeyster, H. E. Ellsworth, R. H. Pascall, George G. McLean, Dennis O'Brien, Frank D. Haines, and J. A. Bowman, with all such persons as may hereafter associate with them for the purposes and objects hereinafter specified, are hereby incorporated under the name and style of The Portland Sewer Company, and by that name shall be capable in law to purchase, have, hold, receive, possess, and enjoy, to them and their successors and assigns forever, lands, tenements, hereditaments, goods, chattels, and effects of any and all kinds whatsoever, necessary and convenient to give effect to the hereinafter specified purpose of said corporation, and for the successful accomplishment of its business and undertakings herein contemplated, and the same to cultivate, use, grant, lease, devise, or sell.

**Sec. 2.** The capital stock of said corporation shall be five thousand dollars, (\$5,000.00), twenty-five (25) percentum of which shall be paid in before said corporation, may exercise the privileges and powers herein conferred. Said capital stock may be increased to a sum not exceeding fifty thousand dollars (\$50,000.00), at the option of said corporation, and said capital stock shall be divided into shares of twenty-five dollars (\$25.00) each, but no stock shall be issued, except as the same shall be paid for in cash or its equivalent; whereupon the holders thereof shall not be liable in their private capacity for any of the debts and liabilities of the corporation.

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**Sec. 3.** The persons named in the first section of this act, or a majority of them, shall open the books to receive subscriptions for the capital stock of said corporation at such times and places as they, or a majority of them, shall direct, and shall give such notice of the time and place of opening said books as they may deem reasonable, and shall receive such subscriptions under such regulations as they may adopt for the purpose; and shall have the right and power to reject any subscriptions for stock when they shall deem it for the interest of the company so to do; and when twenty-five (25) percentum of the capital stock has been subscribed for, the persons authorized by this section to open books for the subscription to the capital stock are hereby authorized and directed to call the first meeting of the subscribers to the capital stock at such time and place as they may direct, for the choice of directors of said company; said directors may call in subscriptions to the capital stock in any manner they shall deem proper, and shall have power to fill any vacancy in their own number which may occur by death, resignation, or otherwise, until the next annual meeting of the stockholders.

**Sec. 4.** The government and direction of said corporation shall be vested in a board of not less than three (3) nor more than five (5) directors, a majority of whom shall be a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation. Said directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of said corporation.

**Sec. 5.** Said corporation is authorized, within the limits of said town, to construct, or cause to be constructed, any sewer or sewers, with wells or catch basins connected therewith, through or along any street, streets, highways, or public grounds, or across[,] through or upon the land of any person as it may deem necessary and it shall have the right and authority to empty its sewers into the Connecticut River; or it may dispose of the sewage, garbage, or drainings by filtration, cremation, precipitation, or other approved plans, or by any or all of such plans; it being authorized to construct, maintain, and repair a complete system of sewerage and drainage.

**Sec. 6.** Said corporation shall pay all damages that shall be sustained by any person or corporation by the construction of any sewer or well or catch basin connected therewith, which damages, unless they be agreed upon by the parties, shall, upon application to a committee within three (3) years from the date of the alleged damage or from the time of notice of the alleged damage by said corporation or any person or corporation sustaining such damages, reasonable notice in writing to be given by said committee to all parties in interest of the time and place of the hearing to assess damages, be determined by said committee; but if no application is made within three (3) years the party claiming to have suffered damage shall be deemed to have waived his claim. Said committee shall consist of one (1) person selected by said corporation and one (1) person selected by the party claiming to have suffered damage, and the two (2) thus selected shall select a third person; and each member of said committee shall be entitled to compensation of five dollars (\$5.00) a day in addition to his actual expenses, which, with other costs of hearing and assessments, shall be taxes against either party in the discretion of the committee.

**Sec. 7.** If said corporation or any person or corporation shall be aggrieved by the assessment of damages by said committee, any of said parties may, by petition within thirty (30) days after notice of such assessment of damages shall have been given, apply to the superior court of Middlesex County for the appointment of a committee to reassess such damages, which application shall be accompanied by a summons served upon the adverse party as in case of civil process before said court.

**Sec. 8.** The committee appointed by said court shall consist of three (3) disinterested men, who, after being sworn and giving reasonable notice, shall hear the parties, view the property in question if they see fit, reassess damages, if any, to the respective owners or parties interested in the premises or property so damaged, and proposed to be used for the purposes of this act, and report their doings to the court, and such report may be rejected in the discretion of the court.

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**Sec. 9.** The acceptance of the report of such committee shall be final as to the amount of damages, and other facts found therein, and said court may make any order necessary for the protection of the rights of all persons or corporations interested in said property or sustaining such damages.

**Sec. 10.** The Town of Portland is hereby authorized to contract with The Portland Sewer Company for draining and carrying away the water from its highways, and it is authorized to include in the taxes of each year, and assess on all the property, both real and personal, such sums as may be required to meet its liabilities under such contract.

**Sec. 11.** Said company is hereby authorized to mortgage its property and franchise, and to issue its notes or bonds or other evidence of indebtedness to an amount not exceeding seventy-five (75) percentum of its capital stock.

**Sec. 12.** The Town of Portland is hereby authorized at any time to contract with said company for the purchase of all its lands, tenements, hereditaments, goods, chattels, and effects of any and all kinds whatsoever at their actual cash cost to said company at any time said Town of Portland, by authority of a vote of its electors and taxpayers at a town meeting regularly called for such purpose, may authorize the purchase of said lands, tenements, hereditaments, goods, chattels, and effects of any and all kinds whatsoever of said corporation.

**Sec. 14.** If the parties fail to agree as to what is the actual cash cost, or what the terms of sale or delivery shall be, either party may apply by petition to the superior court of Middlesex County, or to any judge thereof in vacation, setting forth the facts, and praying an adjudication between the parties, and thereafter such court or judge shall, after notice and hearing, appoint a special commission of one (1) or three (3) persons, who shall give the parties an opportunity to be heard, and shall thereafter adjudicate what the time, price, and other conditions of sale and delivery shall be. Such commission shall report its doings to the superior court of Middlesex County for confirmation by said court. The confirmation of the report of such commission shall be final as to the price and other facts found therein, and said court may make any order necessary for such sale and delivery.

**Sec. 15.** Said Town of Portland, upon the purchase of said lands, tenements, hereditaments, goods, chattels, and effects of any and all kinds whatsoever of the said The Portland Sewer Company, is hereby established as a sewer district and said sewer district is authorized to purchase, have, hold, receive, possess, and enjoy to it and its successors and assigns forever lands, tenements, hereditaments, goods, chattels, and effects of any and all kinds whatsoever necessary and convenient to give effect to the herein specified purposes of said district and for the successful accomplishment of its purposes and undertakings herein contemplated and the same to cultivate, use, grant, lease, devise, or sell.

**Sec. 16.** Whenever said company shall have been acquired by the Town of Portland, pursuant to the provisions of this act, the power and rights of said sewer company shall, from and after the date of such acquirement, cease and determine.

**Sec. 17.** Said sewer district is authorized to construct, maintain, and repair a complete system of sewerage and drainage upon said purchase and subject to the same conditions and privileges as set forth in sections five, six, seven, eight, and nine of this act.

**Sec. 18.** Said sewer district shall have power to make and enforce rates for the use of said sewer by property owners; and enforce ordinances by-laws, rules and regulations, not inconsistent with the statute laws of this state or of the United States, to compel property owners to connect with public sewers and to provide for the manner in which such connection shall be made, and may prescribe and fix penalties and fines for the violation of any such ordinances, rules, regulations, or by-laws; and the violation of any such ordinance, rule, regulation, or by-law shall be a misdemeanor, and may be prosecuted as such before any court having jurisdiction of the offense and shall be punishable by a fine of not more than one hundred dollars (\$100.00), or imprisonment for not more than thirty (30) days, or both.



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**Sec. 19.** No person shall connect with the public sewers of said district without first having obtained a permit therefor from the proper official of said district. Any such person connecting with any such sewer shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars (\$100.00), or imprisoned not more than thirty (30) days, or both.

**Sec. 20.** Said district is authorized to elect officials, and employ surveyors, clerks, counsel, and any other persons necessary to the conduct, management, and supervision of said district.

**Sec. 21.** Said Town of Portland is authorized to include in the taxes of each year and assess on all the property, both real and personal, such sums as may be required to meet its liabilities in the purchase of the property of The Portland Sewer Company and in the construction, maintenance, and repair of any sewer, well, or catch basin in said sewer district and to issue notes or bonds or other evidence of indebtedness to an amount not to exceed fifty thousand dollars (\$50,000.00).

Approved, May 20, 1915.

***VOTE TO PURCHASE PORTLAND SEWER COMPANY***

*Vol. III Town Meeting Records, Page 15, July 25, 1919*

Voted that the selectmen for and on behalf of the Town of Portland are hereby authorized to enter into a contract with The Portland Sewer Company for the purchase of all lands, tenements and hereditaments, goods, properties and effects of any and all kinds whatsoever of said Company at a sum not to exceed two thousand five hundred dollars (\$2,500.00).

***AN ACT CONCERNING ROUTE 17A IN THE TOWN OF PORTLAND***

*Special Act No. 423, January Session 1955*

The highway commissioner shall widen, resurface and improve route 17A in the Town of Portland from the intersection of route 17 north to one hundred (100) feet north of the intersection of Middlesex Avenue and route 17A, the finished surface of said road to be not less than forty (40) feet wide in addition to two (2) five-foot shoulders, said work to be completed on or before January 1, 1957.

***AN ACT AUTHORIZING THE STATE PARK AND FOREST COMMISSION TO ACQUIRE  
GREAT HILL LAKE IN THE TOWN OF PORTLAND***

*Special Act, January Session 1959*

**Section 1.** The state park and forest commission is authorized and directed to acquire by purchase or to take by condemnation, in the name of the state, for the purpose of public recreation and for the preservation of natural beauty, a certain lake located in the Town of Portland, known as Great Hill Lake, together with the stone dam at the southerly end thereof, as more particularly described in a quit claim deed from Robert F. Bailey to River Road, Incorporated, dated September 14, 1957 and recorded in volume 57, page 333 of the Land Records of said Town of Portland, together also with such rights-of-way, rights of flowage or easements which said commission deems necessary or desirable for maintaining said lake and affording access thereto.

**Sec. 2.** If said commission cannot agree with the owner or owners of the property to be acquired as to the compensation to be paid therefor, the determination of the amount of damages shall be made in accordance with

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sections 48-10 and 48-11 of the General Statutes [G.S. §§ 48-10, 48-11]; provided said commission may, upon deposit with the clerk of the superior court for Middlesex County of a sum of money estimated by it to be just compensation for the property taken, enter upon such property and devote it to the public use.

***AN ACT CONCERNING ELECTIONS IN THE TOWN OF PORTLAND***

*Special Act No. 398, January Session 1959*

**Section 1.** There shall be a regular town election of the Town of Portland to be held on the first Monday of October, 1959, and biennially thereafter, at which shall be elected a town treasurer, three (3) members of the board of tax review, a first selectman, two (2) selectmen, six (6) grand jurors, one collector of taxes, seven (7) constables and an agent of the town deposit fund, all of whom shall hold office for a term of two (2) years from the date of their election and until their successors are elected and have qualified. At said regular election in 1959, and biennially thereafter, there shall be elected a town clerk and two (2) registrars of voters, each of whom shall hold office for a term of two (2) years from January first in the year following his election and until his successor is elected and has qualified.

**Sec. 2.** At the regular election to be held in the Town of Portland on the first Monday of October, 1959, there shall be elected six (6) members of the board of finance, three (3) for a term of two (2) years and three (3) for a term of four (4) years, each to serve from the date of his election and until his successor is elected and has qualified. At the regular election to be held in said town on the first Monday of October, 1961, and biennially thereafter, there shall be elected members to said board to succeed those whose terms expire, each to serve for a term of four (4) years from the date of his election and until his successor is elected and has qualified. At each election held under the provisions of this section, no party shall nominate, and no elector may vote for, more than a bare majority of the members to be elected for the same term.

**Sec. 3.** At the regular town election of the Town of Portland to be held on the first Monday of October, 1959, there shall be elected nine (9) members of the board of education, three (3) for two (2) years, three (3) for four (4) years and three (3) for six (6) years, each to serve from the date of his election and until his successor is elected and has qualified. At the regular town election to be held in the Town of Portland on the first Monday of October, 1961, and biennially thereafter, there shall be elected three (3) members of said board, each to serve for six (6) years from the date of his election and until his successor is elected and has qualified. At each election to be held under the provisions of this section, no party shall nominate and, no elector shall vote for, more than a bare majority of the members to be elected for the same term.

**Sec. 4.** At the regular town election to be held in Portland on the first Monday of October, 1959, there shall be elected six (6) library directors, three (3) to serve for two (2) years and three (3) to serve for four (4) years from the date of their election and until their successors are elected and have qualified. At the regular town election to be held in the Town of Portland on the first Monday of October, 1961, and biennially thereafter, there shall be elected three (3) library directors, each to serve for a term of four (4) years from the date of his election and until his successor is elected and has qualified.

**Sec. 5.** At the regular town election to be held in the Town of Portland on the first Monday of October, 1959, there shall be elected six (6) members of the zoning board of appeals, one (1) to serve for one (1) year from the date of his election, one (1) to serve for two (2) years from the date of his election, one (1) to serve for three (3) years from the date of his election, one (1) to serve for four (4) years from the date of his election, one (1) to serve for five (5) years from the date of his election and one (1) to serve for five (5) years from one (1) year from the date of his election. At the regular town election to be held in the Town of Portland on the first Monday of

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October, 1961, and biennially thereafter, there shall be elected two (2) members of said board, one (1) to serve for five (5) years from the date of his election and one (1) to serve for five (5) years from one (1) year from the date of his election.

**Sec. 6.** The terms of office of the town treasurer, the board of tax review, the selectmen, the grand jurors, the collector of taxes, the constables, the agent of the town deposit fund, the board of finance, the board of education, the library directors and the zoning board of appeals of the Town of Portland, in office on the effective date of this act, shall terminate on the first Monday of October, 1959. The terms of office of the town clerk and registrars of voters of said town, in office on said effective date, shall terminate on the first Monday of January, 1960.

**Sec. 7.** Number 243 of the special acts of 1957 is repealed.

BUCK LIBRARY

***ESTABLISHMENT OF PUBLIC LIBRARY***

*Vol. 2 Town Meeting Records, Page 81, March 12, 1895*

Voted that the town establish a public library and appropriate a sum not exceeding three hundred dollars (\$300.00) for the fitting of a room and the purchase of books.

***CHANGE OF NAME TO BUCK LIBRARY***

*Vol. 2 Town Meeting Records, Page 82, March 12, 1895*

Voted to accept a gift of \$2000 from Horace B. and Eliza A. Buck and in view of this gift to change the name of the library from the Portland Library to the Buck Library.

***PEDDLERS' LICENSES***

*Vol. 2, Town Meeting Records, Page 380, June 13, 1914*

A fee of twelve dollars (\$12.00) per year shall be levied on all peddlers, as allowed by statute, and the board of selectmen are authorized to devise ways and means of collecting said fee and provide a penalty for non-payment.

***SELECTMEN EMPOWERED TO ESTABLISH CURB LINES***

*Vol. 3, Town Meeting Records, Page 264, May 9, 1934*

Voted that the Town of Portland establish curb lines and that the board of selectmen be and are hereby authorized and empowered to designate the location of said curb lines.

***AN ACT AUTHORIZING THE TOWN OF PORTLAND TO ASSESS PROPERTY OWNERS  
FOR THE EXTENSION OF WATER MAINS***

*Vol. XXXI, Special Acts, Page 371.*

Number 185 of the Special Acts of 1947 is amended to read as follows: The Town of Portland shall have power to maintain and operate any such system of water supply acquired pursuant to this act. The selectmen of said town, subject to the approval of the board of finance, shall have and exercise the control, care and management of such system of water supply and of all property rights and interests thereto related or therewith connected. Said selectmen may appoint, with the approval of the board of finance, and prescribe the powers and duties of, a foreman of such system of water supply and may make all rules and regulations needful for the care, management, operation and maintenance of such system of water supply and for the distribution and use of water and may establish the manner of payment therefor, the method of collection of water rents and the penalties for nonpayment of the same, and may make all contracts and do and perform all acts necessary and convenient for such purposes, subject to the approval of the board of finance. Whenever the board of selectmen, with the approval of the board of finance, shall cause a water main or any appurtenances thereof, including any fire hydrants installed therein, to be laid out and constructed within the limits of the town, said board of selectmen shall apportion and assess the whole of the cost thereof on a front footage basis among the property owners who are directly benefited in the opinion of the board of selectmen. In lieu of said assessment, the board of finance may authorize the board of selectmen to charge a flat rate for tap-in on the basis of said apportionment on a front-foot basis, together with the regular tapping service charge, at such time as the property owners shall connect onto said water.

Approved June 27, 1963.

***AN ACT CONCERNING THE OFFICE OF ASSESSOR OF THE TOWN OF PORTLAND***

*Vol. XXXII. Special Acts, Page 50.*

Section 4 of number 258 of the Special Acts of 1943 is amended to read as follows: The term of said assessor, beginning the first Monday in October, 1964, and ending the first Monday in October, 1966, shall be extended to April 1, 1967. Within thirty (30) days preceding April 1, 1967, and biennially thereafter, the board of finance of said town, by a majority vote, shall appoint a successor to the assessor whose term expires on such first day of April. Any vacancy shall be filled in the same manner by a majority vote of the board of finance of said town within thirty (30) days after the occurrence of such vacancy, and the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of his predecessor. In the event of the temporary incapacity or inability of said assessor, the board of finance, by a majority vote, may designate any person employed in the office of said assessor or, if there be no such employee, any other person, to act in said assessor's place during the period of incapacity or inability of said assessor to act, but for a single period of not more than three (3) months. The person so designated during the period of his temporary appointment shall have and perform all the powers, duties and rights of said assessor.

Approved May 19, 1965.

PART I - CHARTER, SPECIAL ACTS AND RELATED MATTERS  
SPECIAL ACTS TABLE

## SPECIAL ACTS TABLE

This table shows the location of all special acts and related matters printed herein.

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SPECIAL ACTS TABLE

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