

# Town of Chester



## CHARTER

Town of Chester, Connecticut

Settled 1692

Incorporated 1836

Charter Adopted 202\_

# **CHESTER CHARTER COMMISSION**

**2023 – 2024**

Mark Borton

Brian Dailey, Secretary

Lol Fearon

Jesse Gnazzo

Pat Holloway

Ian McLachlan

Richard Strauss, Chairman

DRAFT CHARTER

## NOTICE

Pursuant to Section 7-191 of the General Statutes of the State of Connecticut, the Chester Charter Commission presented the Board of Selectmen of the Town of Chester the proposed Charter on xxxxxxxx, xxxxxxxx xx, 2024.

Mark Borton  
Brian Dailey, Secretary  
Lol Fearon  
Jesse Gnazzo  
Pat Holloway  
Ian McLachlan  
Richard Strauss, Chairman

Chester Charter Commission  
Town of Chester, Connecticut

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## RESOLUTION

Be it resolved that the proposed Charter as submitted to the Chester Board of Selectmen by the duly appointed Charter Commission on Xxxxxx xx, 2024 be voted upon at the biennial election to be held November 5, 2024, by either a "Yes" or "No" in accordance with Section 7-191 of the General Statutes, Connecticut's Home Rule Law. Dated this 00xx day of xxxxxx 2024, at Chester, Connecticut.

Cynthia Lignar  
Patricia Bandzes  
Paul Radicchi

Board of Selectmen  
Town of Chester, Connecticut

# CHESTER TOWN CHARTER

## TABLE OF CONTENTS

### ARTICLE 1 – INCORPORATION AND GENERAL POWERS

Section 1.1	Incorporation	7
Section 1.2	Rights and Obligations	7
Section 1.3	General Grant of Powers	7
Section 1.4	Legislative Bodies	7
Section 1.5	Definitions	8

### ARTICLE 2 – TOWN MEETING

Section 2.1	Legislative Power	9
Section 2.2	Members of the Town Meeting	9
Section 2.3	Annual Budget and Special Meetings	9
Section 2.4	Organization and Procedure	9
Section 2.5	When Action by Town Meeting Required	9
Section 2.6	Appropriation or Other Action Requiring Referendum	10
Section 2.7	Petition for Overrule of Action of Board of Selectmen	10
Section 2.8	Petition for Special Town Meeting for Enactment of Ordinances or Other Action	11

### ARTICLE 3 – BOARD OF SELECTMEN

Section 3.1	Number of Selectmen	12
Section 3.2	Term of Office	12
Section 3.3	General Powers and Duties	12
Section 3.4	Procedure	13
Section 3.5	Public Hearing on and Publication of Ordinances	14
Section 3.6	Emergency Ordinances	14
Section 3.7	Coordination	14
Section 3.8	Oath of Officers	14

### ARTICLE 4 – THE FIRST SELECTMAN

Section 4.1	Chief Executive Officer	15
Section 4.2	Duties	15
Section 4.3	Delegation of Duties	15

### ARTICLE 5 – TOWN ADMINISTRATOR

Section 5.1	Chief Administrative Officer	16
Section 5.2	Hiring and Discharge Process	16
Section 5.3	Vacancy or Disability of the Town Administrator	16
Section 5.4	Supervision and Responsibilities	16
Section 5.5	General Duties	17

## **ARTICLE 6 – ELECTIONS**

Section 6.1	General	18
Section 6.2	Minority Representation	18
Section 6.3	Eligibility for Office	18
Section 6.4	Breaking a Tie	19
Section 6.5	Vacancies	19

## **ARTICLE 7 – ELECTIVE OFFICERS AND AGENCIES**

Section 7.1	General Powers, Duties and Organization	20
Section 7.2	Terms of Office	20
Section 7.3	Elective Officers and Agencies	20
Section 7.4	Compensation	21

## **ARTICLE 8 – APPOINTIVE AGENCIES, DEPARTMENTS, AND OTHER ENTITIES**

Section 8.1	General Powers, Duties and Organization	22
Section 8.2	Appointive Officials and Departments	22
Section 8.3	Appointive Agencies	22
Section 8.4	Vacancies and Removals	23
Section 8.5	Compensation	24
Section 8.6	Fees, Fines and Levies	24

## **ARTICLE 9 – FINANCE AND TAXATION**

Section 9.1	Fiscal Year	25
Section 9.2	Financial Accountability Board	25
Section 9.3	Fiscal Advisory Committee	25
Section 9.4	Finance Department	26
Section 9.5	Budget Message	26
Section 9.6	Preliminary Budget Estimates	26
Section 9.7	Budget Preparation	27
Section 9.8	Budget Review	27
Section 9.9	Public Hearings	27
Section 9.10	Annual Budget Meeting	28
Section 9.11	Budget Referendum	28
Section 9.12	Laying of Taxes	29
Section 9.13	Issuance of Tax Bills	29
Section 9.14	Appropriations	29
Section 9.15	Purchasing	30
Section 9.16	Expenditures and Accounting	30
Section 9.17	Transfer of Funds and Additional Appropriations	30
Section 9.18	Annual Town Report	31
Section 9.19	Audit	30
Section 9.20	Budget Monitoring	31
Section 9.21	Final Budget Reconciliation	31
Section 9.22	Public Emergency Expenditures	31
Section 9.23	Expenditures Before Adoption of the Budget	32

## **ARTICLE 10 – Intergovernmental Relations**

Section 10.1	General Provisions	33
Section 10.2	Regional School District #4	33
Section 10.3	Board of Selectmen Powers	33
Section 10.4	Budget Provisions Applicable	33

## **ARTICLE 11 – TRANSITION AND MISCELLANEOUS PROVISIONS**

Section 11.1	Existing Laws and Ordinances	34
Section 11.2	Rules of Construction and Savings Clause	34
Section 11.3	Robert’s Rules of Order for Agencies	34
Section 11.4	Amendment of Charter	34
Section 11.5	Transfer of Powers	34
Section 11.6	Conflict of Interest	35
Section 11.7	Effective Date	35

DRAFT CHARTER

# **CHESTER TOWN CHARTER**

## **ARTICLE 1**

### **INCORPORATION AND GENERAL POWERS**

#### **Section 1.1: Incorporation**

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

#### **Section 1.2: Rights and Obligations**

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

#### **Section 1.3: General Grant of Powers**

In addition to all powers granted to towns under the Constitution and General Statutes, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political subdivision thereof, or any body politic or corporate not expressly forbidden by the Constitution and General Statutes for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and the General Statutes. The enumeration of particular powers in this and any other article of this Charter shall not be construed as limiting this general grant of power to the Town but shall be considered as an addition thereto.

#### **Section 1.4: Legislative Bodies**

The legislative bodies of the Town shall be the Town Meeting and the Board of Selectmen, as authorized by Section 7-193(a)(1) of the General Statutes, as each of such bodies has heretofore been constituted. The Town Meeting and the Board of Selectmen, respectively, shall have such legislative powers as are expressly conferred by this Charter and as are allowed by the General Statutes. The legislative powers of the Town Meeting shall include, but are not limited to, those powers set forth in Article 2 of this Charter. The legislative powers of the Board of Selectmen shall include, but are not limited to, the powers set forth in Article 3 of this Charter.

## Section 1.5: Definitions

As used in this Charter:

- a) **Agency** means any elective or appointive Town board, commission, or committee of the Town.
- b) **Annual Town Budget** includes a budget with appropriate line items for all town agencies and annual town expenditures known as the Board of Selectmen's Budget and the Chester Board of Education Budget. The Board of Education of Regional School District Number 4 (Region 4 Board of Education) Budget shall be separate from and in addition to the Annual Town Budget. The Town's total budget shall be known as the "Total Town Government Budget" encompassing the Annual Town Budget and the Region 4 Board of Education Budget.
- c) **Appropriation** means an authorization granted by a Town Meeting or the Board of Selectmen to expend Town funds and to incur obligations for specific governmental purpose in accordance with Section 9.14 of Article 9 of this Charter. **Supplemental Appropriation** shall mean an appropriation that is in addition to the total amount of the budget at any given point in time. It is not a transfer within or between departments.
- d) **Department** shall mean a unit of administration for budgetary purposes. There need not be a director of a department.
- e) **Elector** means any citizen of the United States who has attained the age of 18 years and who is a bona-fide resident of the Town as approved by the Registrars of Voters or Town Clerk, as defined in Section 9-12 of the General Statutes.
- f) **General Statutes** means the General Statutes, in effect as of the date of adoption of this Charter, as the same may be amended or supplemented from time to time.
- g) **Holiday** has the meaning ascribed to it in Section 1-4 (days designated as legal holidays) of the General Statutes.
- h) **Gender:** To maintain consistency in language throughout the Charter, masculine pronouns will be used but do not assume or prescribe the gender of the person filling the role described. Terms such as selectman, and pronouns such as he, his, and him shall refer to a natural person without respect to gender.
- i) **Officer** means an elected or appointed person serving in an official capacity for the Town. In this Charter, a person serving on an agency may be referred to as an Officer or Member, and a person serving in an appointed or elected position may be referred to as an Officer or Official.
- j) **Party** means any political party recognized as such by the Secretary of the State of the State of Connecticut at the time of a relevant Election, as defined in Section 9-372 of the General Statutes.
- k) **Voter** means any Elector of the Town or any person liable to the Town for taxes assessed on property of \$1,000 or more on the last grand list of the Town, provided that person has attained the age of 18 and is a citizen of the United States, as defined in Section 7-6 of the General Statutes.

## **ARTICLE 2**

### **TOWN MEETING**

#### **Section 2.1: Legislative Power**

The legislative powers of the Town, to the extent specified in this Article, shall be vested in the Town Meeting.

#### **Section 2.2: Members of the Town Meeting**

Members of the Town Meeting shall be Voters of the Town pursuant to Section 7.6 of the General Statutes.

#### **Section 2.3: Annual, Budget, and Special Meetings**

The Annual Town Meeting as required under Section 7-1 of the General Statutes shall be held at the call of the Board of Selectmen at least once during each uniform fiscal year (July 1 through June 30) for consideration of such business as the Board of Selectmen shall state in the call of the meeting.

The Annual Budget Meeting as required under Section 7-388 of the General Statutes shall be held annually between the second Tuesday of May and the first Tuesday of June. Said date to be set by the Board of Selectmen. Action at the Annual Budget Meeting shall be restricted to those activities specified in Section 9.10 of Article 9 of this Charter.

Special Town Meetings shall be called by the Board of Selectmen pursuant to the terms of this Charter and the General Statutes.

Upon a majority vote of those Voters present and voting, any Town Meeting may be adjourned to a specific day and time.

#### **Section 2.4: Organization and Procedure**

- a) The First Selectman or his representative shall call the Town Meeting to order and the first action of the Town Meeting shall be to choose a Moderator. All business shall be conducted using standard parliamentary practice and as provided by Chapter 90 of the General Statutes.
- b) The Clerk of the Town Meeting shall be the Town Clerk; if absent, the Town Clerk's designated representative, and if there be no designated representative, a Voter selected by the Town Meeting for such purpose.
- c) The regular written minutes of the Town Meeting shall be taken by the Clerk and recorded in the Town Meeting Record Book, posted on the Town website, and as otherwise required by the General Statutes.
- d) The latest edition of Robert's Rules of Order shall govern the conduct of all Town Meetings.

#### **Section 2.5: When Action by Town Meeting Required**

A Town Meeting shall be required for approval of any of the following:

- a) the Annual Town Budget;
- b) any appropriation or authorization for issuance of bonds, notes, or other borrowing not to exceed three percent (3%) of the current fiscal year's Total Town Government Budget, except as otherwise provided in Article 3, Section 3.3(b)(3) of this Charter.
- c) the sale, lease, or other transfer of an interest in real estate of the Town, used or reserved for Town purposes, exclusive of licenses or permits for use or occupancy of Town real property for up to 180 days which may be granted pursuant to procedures endorsed by the Board of Selectmen pursuant to Articles 3 and 5 of this Charter, except when Subsection (e) of this Section may also be applicable;

- d) the acquisition of real estate or interests in real estate, including but not limited to easements, development rights and rights-of-way, for Town purposes including, but not limited to, purchase, lease, gift, or bequest, but exclusive of conservation easements, drainage easements, access easements and other interests in real estate which may be obtained by the Town pursuant to the zoning and subdivision regulations of the Town, as duly enacted and amended from time to time;
- e) any contract or agreement by the Board of Selectmen for services to or use of Town property by or with the United States, any Federal agency, the State of Connecticut, or any political subdivision thereof, or any body politic or corporate, except as provided in Sections 3.3 and 3.6 of Article 3 of this Charter; and
- f) any matter the Board of Selectmen deems of sufficient importance.

## **Section 2.6: Appropriation or Other Action Requiring Referendum**

A referendum shall be required in the following instances:

- a) after being recommended by the Board of Selectmen and after reasonable discussion at a Town Meeting, any appropriation or authorization for the issuance of bonds, notes, or other borrowing of more than three percent (3%) of the current fiscal year's Total Town Government Budget with the exception of tax anticipation notes, shall be subject to referendum as follows: after other business has been completed, the moderator shall adjourn the Town Meeting to reconvene not less than seven (7) days nor more than fourteen (14) days thereafter, but that no referendum shall be held on a Monday or a day following a holiday, and such appropriation or authorization shall be submitted to the Voters for a "Yes" or "No" vote utilizing a voting technology or methodology approved by the Connecticut Secretary of the State for use in an election, as defined in Section 9-1(d) of the General Statutes, between the hours of noon and 8 p.m., unless the Town Meeting sets a longer period in accordance with the General Statutes. After legal review, the wording of each proposition to be voted upon shall be provided by the Town Clerk following any directions given by the applicable Town Meeting. After the polls are closed, the moderator shall cause the votes to be counted and the appropriation or authorization shall, if approved by a majority of those voting thereon, be deemed adopted by the Town Meeting.
- b) any matter, except the Annual Town Budget, on the call of a Town Meeting may, at the discretion of the Board of Selectmen, be submitted to a vote utilizing a voting technology or methodology approved by the Connecticut Secretary of the State for use in an election in the same manner as set forth in Section 2.6(a) of this Charter.
- c) any other action that may properly be brought before a Town Meeting wherein a petition is filed, including the Annual Town Budget, when done in accordance with Section 7-7 of the General Statutes.

## **Section 2.7: Petition for Overrule of Action of Board of Selectmen**

All ordinances, resolutions, or other actions taken by vote of the Board of Selectmen, except those making appointments or removals or regulating exclusively its internal procedure, and except emergency ordinances adopted in accordance with the provisions of Section 3.6 of Article 3 of this Charter, shall be subject to overrule by a Special Town Meeting as follows:

- a) If within twenty (20) days after the publication of any such ordinance or the making of such resolution or the taking of such vote, a petition conforming to the requirements of Section 7-9 and 7-9a of the General Statutes is filed with the Town Clerk requesting its reference to a Special Town Meeting, the effective date of such ordinance, resolution or action shall be suspended. Any such petition shall be signed by not less than 5% of the Voters, which percentage shall be based on the number of Electors as of the date of submission of said petition;
- b) The Town Clerk shall determine whether said petition is sufficient as prescribed by law, shall keep cumulative count of the number of signatures filed with each page of said petition and shall within five (5)

days after receipt of the page of the petition bringing the number of valid signatures included in the petition to 5% shall so certify to the Board of Selectmen. If within five (5) days of the expiration of the above-referenced twenty (20) day period, the Town Clerk determines that the proper number of valid signatures has not been obtained, the Town Clerk shall so certify to the Board of Selectmen and any applicable ordinance shall become effective after it is republished by the Board of Selectmen in accordance with Section 3.5 of Article 3 of this Charter on a new effective date selected by the Board of Selectmen, and any such resolution or vote shall be deemed effective as of the initial date of passage, unless the Board of Selectmen determines a different date;

- c) If the Town Clerk certifies that the petition meets all applicable legal requirements, the Board of Selectmen shall fix the time and place of such Special Town Meeting, which shall be within twenty-one days (21) after such certification;
- d) notice thereof shall be given in the manner provided by law for the calling of a Special Town Meeting; and
- e) an ordinance, resolution, or action so referred shall take effect upon the conclusion of such meeting or at such later date as originally specified by the Board of Selectmen unless at least fifty (50) Voters constituting a majority of those present and voting thereon, shall have voted in favor of overruling.

## **Section 2.8: Petition for Special Town Meeting for Enactment of Ordinances or Other Action**

The Voters may, at any time, petition over their personal signatures for the enactment of any proposed ordinance or other action by filing such petition, including the complete text of such ordinance, or proposed other action not inconsistent with this Charter or applicable law, with the Town Clerk, except when Sections 2.5, 2.6 and 2.7 of this Article are applicable. Any such petition shall be signed by not less than 5% of the Voters, which percentage shall be based on the number of Electors as of the date of submission of said petition. The Town Clerk shall determine whether said petition is sufficient as prescribed by law, shall keep cumulative count of the number of signatures filed with each page of said petition and shall within five (5) days after receipt of the page of the petition bringing the number of valid signatures included in the petition to 5% shall so certify to the Board of Selectmen; no signatures submitted more than 30 days after the submission of the first page of the petition shall be counted by the Town Clerk as described herein. If upon such 30th day the petition remains insufficient, it shall have no force or effect and the Town Clerk shall so notify the Board of Selectmen.

Any such proposed ordinance or other action shall be examined by Town Counsel before being submitted to a Special Town Meeting. The Town Counsel is authorized to modify the form of such ordinance or other action for the purpose of avoiding repetition, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but not to change materially its meaning and effect. The Town Counsel may also declare that such ordinance or other action would be unlawful.

The Board of Selectmen shall call a Special Town Meeting, to be held not more than twenty-one (21) days from the date of the Town Clerk's certification, unless prior to such meeting such ordinance shall have been enacted or such action taken by the Board of Selectmen, or the Town Counsel has ruled that any such ordinance or action would be unlawful.

The call for such Special Town Meeting shall state the proposed ordinance or other action in full and shall provide for a "Yes" or "No" vote as to its enactment.

By a vote of at least fifty (50) Voters constituting a majority of those present and voting thereon, shall have voted in favor, such ordinance or other action shall pass, in which event, the Board of Selectmen shall promptly provide for such publication and for the ordinance or action to take effect on the twenty-first day thereafter in accordance with Section 3.5(b) and (c) of Article 3 of this Charter.

## **ARTICLE 3**

### **BOARD OF SELECTMEN**

#### **Section 3.1: Number of Selectmen**

There shall be a Board of Selectmen consisting of the First Selectman and four (4) additional members each of whom shall be known as a Selectman. No more than three (3) members of such Board shall be members of the same political party.

#### **Section 3.2: Term of Office**

- a) Each Selectman shall be elected at the regular Town election for a four-year term as provided in Article 6 and Article 7 of this Charter. A vacancy occurring in the office of First Selectman or Selectman shall be filled in the manner prescribed in Section 6.5(b) of Article 6 of this Charter.
- b) 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, except by unanimous vote of the Board of Selectmen.

#### **Section 3.3: General Powers and Duties**

- a) The Board of Selectmen shall have the powers which, at the effective date of this Charter, were conferred upon the Board of Selectmen by this Charter, and all the powers conferred by the Constitution and General Statutes upon Boards of Selectmen, except as otherwise provided in this Charter, including the powers:
  - 1) to enact, amend and repeal ordinances or amendments adopted in accordance with this Charter;
  - 2) To approve any contract or agreement for services or use of Town property by or with the United States, any Federal agency, the State of Connecticut, or any political subdivision thereof, or any body politic or corporate;
  - 3) to create, modify, or abolish such other Town agencies as may or shall be required from time to time by applicable General Statutes. Unless otherwise governed by General Statutes, the Board of Selectmen may create, modify, or abolish such other Town agencies as the Board of Selectmen may determine necessary or proper for the general welfare of the Town;
  - 4) by resolution, to enter into agreements with the Commissioner of Transportation of the State of Connecticut pursuant to Section 13a-175b of the General Statutes;
  - 5) in adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed, or any portion thereof, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be filed two copies of such code, rules or regulations in the office of the Town Clerk and the Public Library for inspection and copying by the public at reasonable hours in lieu of any other form of required publication. In addition to filing such copies in the Public Library, access may be provided online on the Town's website;
  - 6) by resolution to regulate the internal procedure of agencies except to the extent governed by General Statutes;
  - 7) to fix the charges, if any, to be made for services rendered by the Town;
  - 8) to obtain bonds for such offices or officials as are to be bonded by applicable General Statute or this Charter; and
  - 9) to exercise legislative powers consistent with this Charter.

- b) The Board of Selectmen shall have the duties which, at the effective date of this Charter, were conferred upon the Board of Selectmen by this Charter, and all the duties conferred by the Constitution and General Statutes upon Boards of Selectmen, except as otherwise provided in this Charter, including the following:
- 1) The Board of Selectmen shall cause the First Selectman and any administrator serving in a capacity with delegated authority authorized by the Board of Selectmen, such as a Town Administrator, and all agencies, except the Chester Board of Education, to abide by a formal bid and purchase procedure as may be adopted by the Board of Selectmen from time to time. This does not include the Chester Board of Education Budget. The procedure for evaluation shall include other criteria in addition to cost and including technical merit. Except when competitive bidding is required by Section 11.6 of Article 11 of this Charter, the Board of Selectmen may waive the requirement for competitive bidding, when in its opinion, the circumstances of a particular case and the best interests of the Town are best served by a waiver. To achieve this waiver, a motion must be made and unanimously passed at a regular Board of Selectmen meeting and so recorded in the minutes of that meeting.
  - 2) The Board of Selectmen shall establish and maintain current personnel policies and job descriptions for all hired positions within the Town, with the exception of personnel positions under the governance of the Board of Education, and supervise the hiring and dismissal of all such full-time or part-time personnel needed to operate the Town in an efficient and appropriate manner.
  - 3) The Board of Selectmen shall be responsible for acting on behalf of the Town in applying for grants, aid, or other funds for which the Town may be eligible. Town Meeting approval shall be required for acceptance and appropriation in accordance with Section 9.14 of Article 9 of this Charter of any award granted unless the amount of the grant is less than one percent (1%) of the current fiscal year's Total Town Government Budget, in which event the Board of Selectmen may accept and appropriate the grant funds.
  - 4) The Board of Selectmen's duties shall include those specified in Article 9: Finance and Taxation of this Charter.
  - 5) The Board of Selectmen shall use their administrative and legislative powers under this Charter to maintain a constant concern for the general good and welfare of the community.

#### **Section 3.4: Procedure**

- a) At its first meeting following each biennial Town Election, the Board of Selectmen shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall, by resolution, determine its own rules of procedure, except that each Selectman shall be able to make a motion or offer a proposal which shall be considered by the Board of Selectmen without the necessity of a seconding motion and all motions must be approved by a majority vote unless otherwise required by Charter or applicable law. The Board will elect a Deputy Selectman who will preside over meetings in the absence of the First Selectman. All meetings of the Board of Selectmen for the transaction of business, other than executive sessions, shall be open to the public. The votes of each member shall be recorded at the session at which they occur and reported in the minutes of such meeting. Four members shall constitute a quorum. No action except a vote to adjourn or fix the time and place of the next meeting, shall be adopted without a quorum present.
- b) Except as otherwise provided by the General Statutes or this Charter, no action shall be taken by the Board of Selectmen unless a majority of its members present at a duly convened meeting of the Board of Selectmen votes in favor of such action.

### **Section 3.5: Public Hearing on and Publication of Ordinances**

- a) At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a general circulation in the Town or by other means approved for such purposes by any applicable General Statute and by posting a notice in a public forum, shall be held by the Board of Selectmen before any ordinance shall be passed by them.
- b) Every ordinance, after passage, shall be recorded by the Town Clerk in a manner which shall be properly indexed or codified, and available for inspection and copying by the public at reasonable hours. Within ten days after final passage, a summary of each ordinance shall be published once in its entirety in a newspaper having circulation within the Town or by other means approved for such purposes by any applicable General Statute, unless as provided in Section 7-157(b) of the General Statutes, the full text of such ordinance is required to be published.
- c) Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its final passage except as may otherwise be provided in Section 2.6 or 2.7 of Article 2 of this Charter.

### **Section 3.6: Emergency Ordinances**

An ordinance adopted by the Board of Selectmen as a public emergency measure and stating the facts constituting such public emergency shall become effective immediately and shall be published, unless due to the nature of any such emergency prompt publication is not possible, in a newspaper having a general circulation in the Town or by other means approved for such purposes by any applicable General Statute, regulation or order and by posting a notice in a public forum as soon as possible thereafter. No public hearing or notice of public hearing shall be required for any public emergency ordinance.

Every such emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following passage of said ordinance. Except that if the emergency continues, the Board of Selectmen may continue said ordinance for an additional period not to exceed sixty days by timely publishing and posting notice of such extension in the manner provided above.

### **Section 3.7: Coordination**

The Board of Selectmen, through the First Selectman and/or Town Administrator or any such other administrator with delegated authority authorized by the Board of Selectmen, shall coordinate the activities and operations of the Town government and may convene joint meetings of Town agencies for such purposes, and may require such reports or information to be submitted by the agencies as the Board of Selectmen may deem necessary for such purposes. At any such meeting the public may submit suggestions and comments for consideration by the appropriate official or agency.

### **Section 3.8: Oath of Officers**

The Board of Selectmen shall, forthwith, after the election or appointment of any Town officers of whom an oath is required by Section 1-25 (For All Other Persons of Whom An Oath is Required) of the General Statutes, cause such officers to be sworn to a faithful discharge of their respective duties. The Board of Selectmen shall see that notice of election or appointment of Town officers shall be in written form indicating if oath is needed, as well as the time and location of the next regularly scheduled meeting of any appropriate agency.

## ARTICLE 4

### THE FIRST SELECTMAN

#### Section 4.1: Chief Executive Officer

The First Selectman shall be the Chief Executive Officer of the Town; shall be a full voting and participating member of the Board of Selectmen; and shall preside at meetings of the Board of Selectmen when present.

The First Selectman shall be an ex-officio member of all agencies of the Town (other than the Board of Education), but without power to vote. From time to time, the First Selectman may designate that for a specific or indefinite period, another Selectman or the Town Administrator shall be the First Selectman's representative on any agency, but without power to vote.

#### Section 4.2: Duties of the First Selectman

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law, which are not inconsistent with this Charter. In addition, the First Selectman shall have all the powers necessary or incidental to the discharge of the First Selectman's duties and responsibilities as set forth in this Charter.

Under the general policy direction of the Board of Selectmen, the First Selectman shall be responsible for:

- a) the implementation of ordinances, resolutions, policies, and other actions voted by the Board of Selectmen or at the Town Meeting;
- b) providing guidance to the Town Administrator in the coordination and administration of the agencies of the Town, except those functions expressly reserved or delegated to such agencies by law;
- c) a continuous review of the current and future needs of the Town and, in connection therewith, the First Selectman may require reports and information to be submitted by the Town Administrator or any agency through the Town Administrator;
- d) coordinating and guiding the Board of Selectmen in the discharge of all of the Board's duties and responsibilities;
- e) developing a set of priorities for the coming year, which shall serve as a policy guide in the development of the Annual Town Budget; and
- f) keeping full and complete records of the activities of the office. It shall be his duty to make periodic reports to the Selectmen, to recommend to the Selectmen such motions as he shall deem necessary or expedient; and to keep or cause to be kept records as may be prescribed by the Selectmen, the General Statutes, or the Town Meeting.

#### Section 4.3: Delegation of Duties

To assist in the discharge of the duties and responsibilities of the First Selectman office, and of the Board of Selectmen, certain administrative duties have been delegated to the Town Administrator as described in Article 5 of this Charter. In addition, the First Selectman may assign and delegate duties to Selectmen or the Town Administrator.

## ARTICLE 5

### TOWN ADMINISTRATOR

#### Section 5.1: Chief Administrative Officer

The Town Administrator shall be the Chief Administrative Officer of the Town. The Town Administrator shall assist the First Selectman and Board of Selectmen in conducting Town affairs by performing such responsible and high level administrative, supervisory and research duties and functions as are specified in this Charter, and as may be properly delegated to the Town Administrator by the First Selectman or the Board of Selectmen consistent with this Charter and other applicable law.

#### Section 5.2: Hiring and Discharge Process

The Town Administrator shall be appointed by a majority vote of the Board of Selectmen after having been chosen exclusively on the basis of technical and administrative qualifications, character, educational background, training/certification and professionally related experience. Educational training shall require a minimum of a baccalaureate degree. The Town Administrator need not be an Elector. The Board of Selectmen may discharge the Town Administrator by an affirmative vote of two-thirds of the Board of Selectmen in accordance with Section 3.4 of Article 3 of this Charter.

#### Section 5.3: Vacancy or Disability of the Town Administrator

- a) Whenever the position of Town Administrator is vacant due to removal, death, resignation, absence, or disability of the Town Administrator, the First Selectman, in addition to their other duties as First Selectman, shall exercise the authority and perform all the duties of the Town Administrator for up to one hundred twenty (120) consecutive days from the time of the vacancy. The First Selectman's exercise of authority as Town Administrator shall cease once a Town Administrator or interim Town Administrator is appointed and assumes office, or any absence or disability ceases.
- b) The Board of Selectmen may appoint an interim Town Administrator in accordance with Section 5.2 of this Charter for a period not to exceed one year during a Town Administrator vacancy due to the removal, death, absence, disability or resignation of the Town Administrator. The compensation shall be determined by the Board of Selectmen.
- c) If the appointed interim Town Administrator is a Town official, such official shall resign or take a leave of absence and any vacancies shall be filled as provided for in this Charter.

#### Section 5.4: Supervision and Responsibilities

The Town Administrator is responsible to and works for the Board of Selectmen. The Town Administrator is supervised by and reports through the First Selectman to the Board of Selectmen.

The Town Administrator shall be responsible for the administration of all Town departments and agencies, except the Chester Board of Education and Town agencies whose head or members are elected by popular vote.

The Town Administrator shall coordinate the administration of the officers, agencies, and authorities of the Town appointed by the Board of Selectmen except those functions reserved or delegated to such bodies by law or this Charter.

## **Section 5.5: General Duties**

The Town Administrator shall perform those administrative duties conferred by this Charter to the Chief Administrative Officer and as determined, from time to time, by the Board of Selectmen and or First Selectman in accordance with Section 5.1 of this Article, including among others:

- a) Shall be responsible to the Board of Selectmen for the administration of all Town matters;
- b) Shall be responsible for coordinating the administration of the departments, offices and agencies of the Town, including all Town employees.
- c) Shall be responsible for carrying out the ordinances, resolutions, policies, and other actions of the Board of Selectmen and of the Town Meeting;
- d) Shall be responsible for making a continuous review of the current and future needs of the Town, and in connection therewith, may require reports and information to be submitted by any agency of the Town;
- e) Shall purchase, or cause to be purchased, subject to such rules and regulations as may be adopted by the Selectmen, all supplies, materials, equipment and other commodities required by any Town agency or department.
- f) May recommend to the Board of Selectmen such measures as deemed necessary or expedient, and shall keep the Board of Selectmen fully advised as to the financial condition of the Town;
- g) Shall keep the Board of Selectmen informed of state and federal grant programs for which the Town may be eligible and shall assist the Board in applying for and implementing same;
- h) May, in lieu of any appointment to any office under their jurisdiction and subject to the approval of the Board of Selectmen, enter into contracts for the performance of services, or perform duties of any office under their jurisdiction.
- i) The Town Administrator shall have the right to attend all meetings of the Board of Selectmen, except those executive sessions determined by the Board, with the full right to participate in all discussions, but without the right to vote.

## ARTICLE 6

### ELECTIONS

#### Section 6.1: General

- a) Nomination and election of state and federal officers, state senators and representatives and such elective Town officers and agencies as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of Electors qualified to vote therefor, in the manner prescribed in the Constitution and the general and special laws of the state applicable to the Town, except as hereinafter provided.
- b) Regular Town elections shall take place on the first Tuesday after the first Monday in November of each odd numbered year.
- c) Special Town Elections may be called from time to time in accordance with the General Statutes.

#### Section 6.2: Minority Representation

Minority representation on any agency, or similar body whether elective or appointive of the Town shall be determined in accordance with the table below, except for the Town's elected members of the Region 4 Board of Education:

Column I Total Membership	Column II Maximum from one Party
3	2
4	3
5	3
6	4
7	4
8	5
9	6
More than 9	Two-Thirds of Total Membership

Notwithstanding the foregoing, in the event that (i) a vacancy shall occur and continue to exist for a period of not less than ninety (90) consecutive days on any agency including the Board of Selectmen and (ii) one party has the maximum allowable number of members on the agency and the vacancy is for one of the positions to be filled by an Elector who is not enrolled in such party and (iii) the other major party has not proposed an individual of any party to fill such vacancy, then such vacancy may be filled by the Board of Selectmen, acting in accordance with Section 6.5 of this Charter, with any Elector, including one who is enrolled in the party already having the maximum number of allowable members on such agency, provided that such appointment would not cause the maximum number of members of such party to exceed the number permitted under Section 9-167a of the General Statutes.

#### Section 6.3: Eligibility for Office

Only a person who is, at the time of his/her election, an Elector, shall be eligible for election to any Town office, and any person ceasing to be an Elector shall thereupon automatically cease to hold elective office in the Town.

#### **Section 6.4: Breaking a Tie**

When any regular or special Town election for a Town officer results in a tie, a special election shall be conducted to determine who shall be elected. Said special election shall be called by the Board of Selectmen and held on such date as is required by Section 9-332 of the General Statutes after the election which resulted in a tie and shall be confined to the tied candidates. Any election equipment, software, voting methodology or initial records thereof, the use or results of which are not subject to legal dispute may be used in said special election. If necessary, the Board of Selectmen, or applicable court order, may direct the use of paper ballots.

#### **SECTION 6.5: Vacancies**

- a) Any vacancy arising in any elective office or elective Town agency shall be filled in accordance with this Article 6 following the date of notice to the Town Clerk and acceptance of any resignation or the determination by the Board of Selectmen of such vacancy. Any such appointment shall be made by vote of the Board of Selectmen and shall be until the next Town election or for the unexpired portion of such term, whichever first occurs, except that
  - 1) any Region 4 Board of Education elected member vacancy shall be filled by appointment by the Board of Selectmen in accordance with Special Act 199 – An Act Concerning the Election of the Board of Education of Regional School District Number 4 at Town Elections of the General Assembly, and as applicable the provisions of this Article 6; and
  - 2) any Registrars of Voters vacancy shall be filled in accordance with Section 9-192 of the General Statutes.
- b) In filling vacancies the Board of Selectmen shall solicit nominations for such vacancies from the political parties as well as from the general public. The Board of Selectmen in filling vacancies shall have the final authority in deciding whom to appoint to fill any vacancy, except that any such appointment shall be in compliance with the provisions of Section 6.2 of this Article 6. Nothing contained herein shall preclude a special election from being held to fill a vacancy in an elective office or on an elective agency in accordance with the provisions of the General Statutes. With respect to a vacancy on the Board of Selectmen, the special election procedures set forth in Section 9-222 of the General Statutes shall apply.

## **ARTICLE 7**

### **ELECTIVE OFFICERS AND AGENCIES**

#### **Section 7.1: General Powers, Duties and Organization**

Except as otherwise provided in this Charter, all elective agencies of the Town shall have the powers and duties prescribed by law. Each elective agency shall consist of no more than seven (7) members with no alternate members unless so required by the General Statutes.

All elective agencies shall hold an annual organizational meeting during each December or subsequent January at which meeting they shall elect officers and establish a regular schedule of meetings for the ensuing twelve-month period. Such schedule shall be filed with the Town Clerk no later than January 31, of each year. No agency shall meet at the same time a Town Meeting or a Budget Meeting is being held.

#### **Section 7.2: Terms of Office**

The terms of office for elective Town officers shall be four years except as may be otherwise specifically provided in this Charter. All terms of office commence on the second Monday after election and qualification. As used in this Charter with reference to a person's ability to hold a Town office, "qualification" shall mean the satisfaction of any statutory or charter requirements for eligibility to hold such office and taking the oath of office. All elective officers shall be sworn in within 30 days of election and before taking office or their office will be deemed vacant. The officer administering the oath shall record such fact in the Town Clerk's office. All elective officers, except in the case of death, resignation, or disqualification, shall hold office until their successors have been chosen and qualified.

#### **Section 7.3: Elective Officers and Agencies**

Any political party may nominate a number of candidates for election as members of a Town agency equal to no more than the number of members of said agency that can be elected at such election in accordance with Section 6.2 of Article 6 of this Charter, except as otherwise provided by the General Statutes for the election of Registrars of Voters and Justices of the Peace. The candidates receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected exceeds the maximum number as determined by the minority representation requirements of Section 6.2 of Article 6 of this Charter. In such case, only the candidates of such political party with the highest number of votes, up to the limit of such maximum according to Section 6.2 of Article 6 of this Charter, shall be elected. The next highest-ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election.

Any Elector may vote for all of the number of candidates to be elected to said agency, except that the election of Registrars of Voters and Justices of the Peace shall be governed by the General Statutes.

At each appropriate regular Town election, based on the expiration of the term of an incumbent in office and until a successor has been elected and qualified, there shall be elected the following Town officers:

a) **Board of Selectmen**

- 1) A First Selectman shall be elected for a four-year term. The unsuccessful candidate or candidates for First Selectman shall not serve on the Board of Selectmen; and
- 2) Four (4) members of the Board of Selectmen each of whom shall be elected for a four-year term.
- 3) For the purposes of complying with Section 6.2 of Article 6, the full five (5) member Board of Selectmen will be the basis for calculating minority representation. Minority representation shall

be made first from the election of the First Selectman followed by the election of the four (4) Selectmen in accordance with the process specified in this Section.

- 4) No Elector shall be a candidate for both the position of First Selectman and that of Selectman at such election.

b) Financial Accountability Board

There shall be a Financial Accountability Board that shall consist of five (5) members each having a four-year term. At the Town election to be held in November 2025, five (5) members shall each be elected for a two (2)-year term commencing in November 2025. At the Town election to be held in November 2027, and every four (4) years thereafter, five (5) members shall each be elected for a four-year term commencing in November 2027.

c) Chester Board of Education

There shall be a Chester Board of Education that shall consist of seven (7) members each having a four-year term. At the Town election to be held in November 2025, four (4) members shall each be elected for a two (2)-year term commencing in November 2025. At the Town election to be held in November 2027, and every four (4) years thereafter, seven (7) members shall each be elected for a four-year term commencing in November 2027.

c) Region 4 Board of Education

In accordance with Special Act 199 – An Act Concerning the Election of the Board of Education of Regional School District Number 4 at Town Elections of the Connecticut General Assembly, there shall be three (3) members elected to the Region 4 Board of Education each having six (6) year overlapping terms. One (1) member shall be elected at each biennial regular Town election. Any provisions of Section 10-46 of the General Statutes, as may be amended from time to time, inconsistent with the provisions of Special Act 199 shall not apply to Region 4 Board of Education.

d) Registrars of Voters

In accordance with Section 9-190 of the General Statutes there shall be elected two Registrars of Voters, one from each major political party, except as otherwise provided for in such section, and they shall serve for four (4) year terms. Registrars of Voters shall be elected in the Town election of gubernatorial election years. Their powers and duties shall be those prescribed by law.

e) Nomination of Justices of Peace

Justices of the Peace shall be nominated in Presidential election years and shall serve for four (4) year terms, which nomination and election shall be as provided in Sections 9-183 through 9-184 of the General Statutes. The powers and duties of these officers shall be those prescribed by law. The number of Justices of the Peace for the Town shall be determined in accordance with the General Statutes. As of adoption of this Charter there shall be eleven (11). Ten (10) Justices of the Peace shall be members of major political parties (5 Democratic and 5 Republican), and 1 shall be unaffiliated Voters or members of minor parties.

- f) Such other elective officers as may be required by the General Statutes.

#### **Section 7.4: Compensation**

All elective officers shall serve without compensation, except for the First Selectman, Selectmen, and Registrars of Voters. The level of compensation shall be established by the Board of Selectmen and approved in accordance with Article 9.

## ARTICLE 8

### APPOINTIVE AGENCIES, DEPARTMENTS, AND OTHER ENTITIES

#### Section 8.1: General Powers, Duties and Organization

All appointive Town officers/officials, agencies, departments and other entities shall have the powers and duties granted or imposed upon such officials and agencies by the General Statutes, applicable special acts, this Charter, and Town ordinances.

#### Section 8.2: Appointive Officials and Departments

a) Establishment of Departments

The Board of Selectmen shall establish such departments deemed appropriate and necessary for the functioning of the Town administration or as required by this Charter or the General Statutes. The Board of Selectmen shall establish a personnel policy, which shall apply to all employees of the Town, other than employees of the Chester Board of Education, and may update that policy from time to time.

b) Appointments by the Town Administrator

The Town Administrator shall appoint all department heads, except as otherwise provided in Section 8.2(c) of this Charter, after consultation with the Board of Selectmen. All other employees shall be appointed by the Town Administrator. Duties and responsibilities of department heads and employees shall be as prescribed by the Town Administrator consistent with the policies of the Board of Selectmen, this Charter, and the General Statutes.

c) Appointment/Discharge by the Board of Selectmen

The following officials shall be appointed, following consultation with the Town Administrator, by a majority vote of the Board of Selectmen and may be discharged by an affirmative vote of two-thirds of the Board of Selectmen:

- Finance Director/Treasurer
- Tax Collector
- Town Clerk/Registrar of Vital Statistics

Duties and responsibilities of these officials shall be as prescribed by the Town Administrator consistent with the policies of the Board of Selectmen, this Charter, and the General Statutes.

d) Holding More than One Office

An appointive official of the Town may hold more than one appointive office in the Town unless otherwise prohibited by ordinance or the General Statutes.

#### Section 8.3: Appointive Agencies

a) General

The appointive Town agencies as of the effective date of this Charter shall be:

- Board of Assessment Appeals
- Board of Fire Commissioners
- Cedar Lake Watershed Commission
- Citation Hearing Officers
- Conservation Commission
- Economic Development Commission

- Harbor Management Commission
- Inland Wetlands and Watercourses Commission
- Library Board of Trustees
- Park and Recreation Commission
- Planning and Zoning Commission
- Retirement Board
- Water Pollution Control Authority
- Zoning Board of Appeals.

- 1) All appointive agencies shall be established by ordinance in accordance with Section 3.3(a)(3) of Article 3 of this Charter, and their members shall be appointed by the Board of Selectmen unless otherwise provided by this Charter.
- 2) Unless otherwise so required by the General Statutes, each appointive agency shall consist of no more than seven (7) members with no alternate members.
  - a. In accordance with Section 8.5 of the General Statutes and as may be amended, the Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members.
- 3) The Board of Selectmen may also appoint by resolution such committees as it may determine are necessary or appropriate for the general welfare of the Town.
- 4) All appointive agencies shall hold an annual organizational meeting during each December or subsequent January at which meeting they shall elect officers and establish a regular schedule of meetings for the ensuing twelve-month period. Such schedule shall be filed with the Town Clerk no later than January 31, of each year. No agency shall meet at the same time a Town Meeting or a Budget Meeting is being held.

b) Eligibility for Membership on Appointive Agencies

Unless otherwise specifically provided by statute, ordinance or resolution and appointed by an affirmative vote of two-thirds of the Board of Selectmen in accordance with Section 3.4 of Article 3 of this Charter, only Electors shall be eligible for appointment to any agency, and any person ceasing to be an Elector shall thereupon automatically cease to hold appointive office in the Town. As used in this Charter with reference to a person's ability to hold a Town office, "qualification" shall mean the satisfaction of any statutory or charter requirements for eligibility to hold such office and taking the oath of office. All appointive officers shall be sworn within 30 days of appointment and before taking office or their office will be deemed vacant. The officer administering the oath shall record such fact in the Town Clerk's office.

c) Political Composition of Agencies

Except as provided by this Charter, the composition of all agencies shall be in accordance with the minority representation requirements of Section 6.2 of Article 6 of this Charter.

d) Term of Appointment of Members

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

## **Section 8.4: Vacancies and Removals**

- a) Any member of an agency who ceases to be an Elector shall automatically cease to be a member of such agency.

- b) The resignation of an agency member who has been appointed by the Board of Selectmen and who resigns prior to the end of such member's term shall be effective upon submission of a resignation signed by such agency member to the Town Clerk.
- c) The term of appointment for a member of an agency who serves by virtue of their position as an elective official shall cease upon the member's vacating their elective office.
- d) The Board of Selectmen shall fill vacancies in appointive agencies for the unexpired portion of such term in the same manner as appointments are made. In filling vacancies the Board of Selectmen shall solicit nominations for such vacancies from the political parties as well as from the general public. The Board of Selectmen in filling vacancies shall have the final authority in deciding whom to appoint to fill any vacancy, except that any such appointment shall be in compliance with the provisions of Section 6.2 of this Article 6.
- e) Any member of an agency appointed by the Board of Selectmen may be removed from office or membership on such agency for cause by an affirmative vote of two-thirds of the Board of Selectmen in accordance with Section 3.4 of Article 3 of this Charter. No person shall be removed without reasonable notice thereof and the opportunity to appear with or without legal counsel, before the Board of Selectmen at a public or private hearing at the option of the said person, which hearing shall take place not less than five (5) days and not more than fifteen (15) days after notice to such person. Such person has the right to appeal to the courts.

#### **Section 8.5: Compensation**

The amount of compensation, if any, to be paid to appointive officers shall be set as provided in the General Statutes, applicable Special Acts of the General Assembly, Town ordinance, and Town Meeting resolutions, and included in the Annual Town Budget. The necessary expenses actually incurred by an appointive officer in the performance of such officers' duties shall be paid by the Town upon the requisition of such officer in writing, upon the approval of the Board of Selectmen, and pursuant to the policies established by the Board of Selectmen, providing there funds within the applicable line item of the relevant Annual Town Budget.

#### **Section 8.6: Fee, Fines and Levies**

All fees, fines, and levies of every kind paid to or levied by an appointive Town officer or official shall, to the extent not otherwise provided by the General Statutes, applicable Special Acts, Town ordinances, or Town Meeting resolutions, promptly be remitted to the Treasurer and added to the general fund of the Town.

## ARTICLE 9

### FINANCE AND TAXATION

#### Section 9.1: Fiscal Year

The fiscal year of the Town shall begin on the first day of July and end on the 30th day of June of the following year.

#### Section 9.2: Financial Accountability Board

There shall be an elected Financial Accountability Board which shall be the budget making authority, consisting of five (5) members each having a four-year term of office. No member of the Financial Accountability Board shall be a member of any other agency while serving on this Board. The specific duties of the Financial Accountability Board shall be as specified in Article 9 of this Charter. The Financial Accountability Board shall have the power to obtain any data from the Town Administrator, or any Town agency including the Chester Board of Education, required for the performance of its duties.

#### Section 9.3: Fiscal Advisory Committee

There shall be a Fiscal Advisory Committee chaired by the First Selectman and shall also include the

- Town Administrator,
- Finance Director,
- Chairman of the Financial Accountability Board or designee,
- Chairman of the Chester Board of Education, Chairman of the Economic Development Commission, Chairman of the Planning and Zoning Commission, or their respective designees, who shall be members of the respective agency, and
- Superintendent of Schools or designee.

The purpose of this Committee shall be to advise and be advised by the Board of Selectmen and Town Administrator on all Town financial issues and policies.

Additionally, the Committee shall recommend to the Board of Selectmen for their consideration a long range capital improvement plan of significant duration, of not less than ten (10) years, encompassing the future anticipated capital needs of the Town for the Annual Town Budget (Board of Selectmen's Budget and Chester Board of Education Budget) including a five (5) year capital budget, which shall be reviewed and updated annually. The long range capital improvement plan and 5-year capital budget shall also be informed by the capital plan of the Region 4 Board of Education. The Town's agencies and offices shall submit their capital improvement needs to the Fiscal Advisory Committee through the Town Administrator annually as requested. No later than January 15 of each year, the Committee shall submit its updated recommended long range capital improvement plan, the 5-year capital budget, including the proposed capital expenditures for the ensuing year and the capital budget for the following four (4) years to the Board of Selectmen for their consideration and approval with any action a matter of public record. Their recommendations shall be based upon, but not necessarily limited to, the following considerations:

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

## **Section 9.4: Finance Department**

There shall be a Finance Department providing financial services to the Town and the Chester Board of Education. This department will consist of a Finance Director and financial staff and report to the Town Administrator. The Treasurer shall designate a Deputy Treasurer with approval of the Board of Selectmen to act on behalf of the Treasurer during an absence or disability of the Treasurer, or on an interim basis during a vacancy due to the removal, death, or resignation of the Treasurer.

The Finance Director shall have the following powers and duties together with such powers and duties as the Town Administrator and the Board of Selectmen shall confer. The Finance Director shall be the Town Treasurer and the agent of all Town funds and, except as otherwise provided by this Charter, shall have all the powers and duties prescribed for Town Treasurers by the General Statutes.

The Finance Director shall maintain a Finance and Accounting Policies and Procedures Manual, which Manual shall be approved by the Board of Selectmen and periodically reviewed by the Town's Auditor. The Manual's policies and procedures shall not be inconsistent with the provisions of Article 9 and any other Article of this Charter.

Neither the Finance Department, Financial Accountability Board, Fiscal Advisory Committee, nor the Finance Director will limit or infringe on the statutory rights of the Chester Board of Education or the Town to prepare and approve annual budgets, set expenditures, or transfer funds.

## **Section 9.5 Budget Message**

Each fiscal year, of the Town, the Board of Selectmen shall create a budget message outlining the proposed financial policy of the Town, including a five (5) year capital budget, describing therewith the important features of the proposed Annual Town Budget (comprising the Board of Selectmen's Budget and the Chester Board of Education Budget) indicating any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and containing a clear general summary of its contents.

For purposes of this Charter, capital expenditures shall consist of the purchase and financing of (i) all personal property and real estate improvements that are normally subject to depreciation under generally accepted accounting principles in the United States; and (ii) land and other real estate interests that are not so depreciated or (iii) any other legal purpose for which such a fund may be created under state law, including without limitation Section 7-364 of the General Statutes.

## **Section 9.6: Preliminary Budget Estimates**

The head of each agency of the Town supported wholly or in part from Town funds, for which a specific Town appropriation is made, shall, at such time and in such manner as the Board of Selectmen, may require, file with the Board of Selectmen, through the Town Administrator, a proposed budget consisting of a detailed estimate of expenditures, revenues and such other data as may be required for the budget making process. All revenues shall be included except those based on the tax rate to be established for the ensuing fiscal year. Such estimates shall be accompanied by a statement setting forth, in narrative or such other form as the Board of Selectmen may prescribe, a program or programs showing services, activities, and work accomplished during the current year and to be accomplished during the ensuing year. The proposed updated long range capital improvement plan, 5-year capital budget and the proposed capital expenditures for the ensuing year for each agency and the Chester Board of Education, shall be considered in accordance with the process specified in Section 9.3 of this Charter. The proposed Chester Board of Education budget shall be submitted to the Board of Selectmen for its consideration, through the Town Administrator.

## **Section 9.7: Budget Preparation**

It shall be the duty of the Town Administrator with assistance of the Finance Director to compile preliminary estimates as provided by each agency and prepare a recommended Annual Town Budget consisting of the Chester Board of Education Budget and a budget with appropriate line items for all other agencies and annual Town expenditures known as the Board of Selectmen's Budget, which shall address the requirements of this Section.

The Board of Selectmen's Budget document shall include:

- a) Estimates of revenue, presenting in parallel columns the itemized receipts collected during the current fiscal year prior to the time of preparing the estimate, and the total receipts estimated to be collected during the current fiscal year, and estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of the available surplus (all revenues shall be included except those based on the tax rate to be established for the ensuing fiscal year), and revenues received for the last two fiscal years;
- b) Itemized expenditures for each agency for the last two completed fiscal years and expenditures for the current fiscal year prior to the time of preparing the estimates and total expenditures estimated for the current and ensuing fiscal years;
- c) Recommendations for capital projects to be undertaken during the ensuing fiscal year and a method of financing same;
- d) Estimates of the balance and surplus of each fund, net taxable grand list, tax rate, unassigned fund balance and reserve fund, which for purposes of this charter shall be the aggregate cash and cash equivalent funds owned or projected to be owned by the Town that are not allocated to any other specific line item in the Annual Town Budget and shall be henceforth referred to in this Charter as the Reserve Fund; and
- e) A recommendation of an appropriation to the Board of Selectmen's contingency account.

The Town's Total Town Government Budget shall include the Annual Town Budget and the appropriation for the Town's share of the Region 4 Board of Education Budget.

## **Section 9.8: Budget Review**

Board of Selectmen shall review and evaluate each proposed Annual Town Budget presented to it pursuant to Article 9 of this Charter to ensure that it meets the current financial needs and objectives of the Town. The Board of Selectmen may modify the proposed Annual Town Budget, including the Chester Board of Education Budget and the Board of Selectmen's Budget consistent with sound financial planning and applicable law. No later than March 15, the Board of Selectmen shall present, review, and discuss its modifications, if any, of the proposed Annual Town Budget with the Financial Accountability Board. After such presentations, reviews, and discussions, the Financial Accountability Board shall modify the proposed Annual Town Budget as it deems advisable, giving due and proper consideration to the comments made by the Board of Selectmen and Chester Board of Education. Thereafter, the Board of Selectmen shall present the modified proposed Annual Town Budget as the Financial Accountability Board's recommended Annual Town Budget to the qualified Voters for their review and deliberations. The Financial Accountability Board's recommended proposed Annual Town Budget shall include documentation and the rationale for any modifications it made to the Board of Selectmen's proposed Annual Town Budget that was presented to the Financial Accountability Board for its review.

## **Section 9.9: Public Hearings**

The Board of Selectmen shall hold one or more public hearings prior to May 1 of each year, at which time the Board of Selectmen shall present the proposed Annual Town Budget and any qualified Voter may have an opportunity to be heard regarding the recommended appropriations for the ensuing fiscal year. At least ten

(10) days in advance of any public hearing on the budget, the Board of Selectmen shall cause to be published in a newspaper having general circulation in the Town or by other means approved for such purposes by any applicable General Statute, a notice of such public hearing, and where copies of the proposed Annual Town Budget may be obtained. One week prior to the hearing, as well as at the hearing, sufficient copies of the proposed Annual Town Budget and the current proposed Region 4 Board of Education Budget shall be made available for general distribution. Following the public hearings, the Financial Accountability Board shall modify its proposed Annual Town Budget as it deems advisable, giving due and proper consideration to the comments made at the public hearings.

#### **Section 9.10: Annual Budget Meeting**

- a) At the Annual Budget Meeting, to be held prior to June 1 of each year in accordance with Article 2 of this Charter, the proposed Annual Town Budget as may have been modified by the Financial Accountability Board pursuant to Article 9 of this Charter shall be presented in its entirety, with any such modifications annotated, and the current proposed or adopted Region 4 Board of Education Budget shall be made available for information purposes. Following said presentation, the Town Meeting may take any one or more, as may be relevant, of the following actions on the Annual Town Budget through a vote by qualified Voters. Such action shall recognize the Town's share of the adopted Region 4 Board of Education Budget and for informational purposes provide the Total Town Government Budget comprising the Annual Town Budget and the Region 4 Education Budget:
  - 1) accept the Annual Town Budget as so proposed;
  - 2) amend the so proposed Annual Town Budget by reducing any line item or, with respect to the Chester Board of Education Budget, the proposed total appropriation;
  - 3) reject the Annual Town Budget as so proposed;
  - 4) reject the Annual Town Budget as so amended; or
  - 5) accept the proposed Annual Town Budget as so amended.
- b) If the budget is rejected at the Annual Budget Meeting the meeting shall be adjourned to the same time of day on successive Tuesdays until an Annual Town Budget is adopted. In the intervening periods, the Financial Accountability Board shall review the last proposed Annual Town Budget and modify it consistent with the expressed interest of the Town and sound financial planning. At any reconvention of an Annual Budget Meeting, the proposed Annual Town Budget may be amended by reducing any line item, but no line item may be increased, nor may any new line item be created. The proposed Annual Town Budget, with any amendments so adopted, may then be adopted in its entirety as amended or rejected in its entirety as amended, or not. If rejected, the requirements of this Section 9.10(b) shall be repeated until an Annual Town Budget is adopted.

#### **Section 9.11: Budget Referendum**

In the event a petition is filed in accordance with Section 7-7 of the General Statutes that the Annual Town Budget be submitted to referendum, then the budget adoption process shall be as follows:

- a) **Budget Meeting**

At the Budget Meeting, the proposed Annual Town Budget shall be presented in its entirety.

- b) **Referendum**

After discussion, the Annual Budget Meeting shall be adjourned. The proposed Annual Town Budget as presented and without amendment by the Annual Budget Meeting or the Financial Accountability Board, shall be automatically submitted to referendum. The Board of Selectmen shall announce the date, location, and time of said referendum before the Budget Meeting is recessed.

c) Ballot

- 1) The Board of Selectmen shall word the voting alternatives on the referendum ballot as to the proposed Annual Town Budget being voted on as follows: "I approve the proposed Annual Town Budget" and "I reject the proposed Annual Town Budget".
- 2) The ballot may also include, at the option of the Board of Selectmen, questions to indicate, for advisory purposes only on a nonbinding basis, whether the proposed Annual Town Budget in question is too high or too low.

d) Referendum results

If the majority votes in the referendum to approve proposed Annual Town Budget, such Budget shall be adopted in its entirety. If the majority votes to reject such Budget, it shall be returned to the Financial Accountability Board, which shall conduct a hearing(s) to review such Budget and modify it. The Board of Selectmen shall resubmit the revised proposed Annual Town Budget to a reconvened Annual Budget Meeting to be held at the same hour of the day on the second Tuesday following the referendum. After discussion, the Annual Budget Meeting will be adjourned again to referendum. The Board of Selectmen shall announce the date, location, and time of the next referendum on the revised proposed Annual Town Budget. The referendum process set forth in the foregoing provisions of this Section shall govern the subsequent referendum and the whole process outlined above shall be repeated continuously until an Annual Town Budget has been approved.

### **Section 9.12: Laying of Taxes**

After the Annual Town Budget and the Region 4 Board of Education Budget have been adopted, the Financial Accountability Board, in consultation with the Board of Selectmen, shall meet and set a tax rate at a level sufficient to meet the Total Town Government Budget (Annual Town Budget as approved for the Town and the amount appropriated for the Town's share of the Region 4 Board of Education Budget) for the ensuing fiscal year, with due provision for estimated uncollectible taxes, abatements, and corrections, other estimated yearly income of the Town and the need to also absorb any deficit at the beginning of the ensuing fiscal year. At such meeting, the Board of Selectmen shall also set the dates that the taxes, at such rate, shall be due and payable.

### **Section 9.13: Issuance of Tax Bills**

Property tax liability shall be levied and collected in accordance with the General Statutes. One hundred percent (100%) of motor vehicle taxes, fifty percent (50%) of personal property taxes, and fifty percent (50%) of real property taxes shall be payable in the first installment; except that if either of these property taxes is less than \$250.00, then the entire amount of that tax shall be payable in the first installment. The remainder of the personal and real property taxes and any supplemental motor vehicle taxes shall be payable in the second installment. The Tax Collector shall prepare and submit such reports to the Town Administrator, Finance Director, or Board of Selectmen as may be prescribed.

### **Section 9.14: Appropriations**

The adoption of the Annual Town Budget shall be deemed to constitute an appropriation to each line item therein of each agency identified in such Annual Town Budget of the amount corresponding to the amount shown in the adopted Annual Town Budget. Each such appropriation shall thereupon be available to be expended by each agency respectively for the line item purposes set forth in such Budget; except that the Chester Board of Education shall have the authority to expend its funds in accordance with the General Statutes. When no agency is identified in the Annual Town Budget as controlling a particular line item, such appropriation shall be deemed made to the Annual Town Meeting as a legislative body of the Town. No further

expenditure of any such appropriation to the Town Meeting as the legislative body may be made without further Town Meeting approval, unless otherwise expressly permitted by this Charter. Should the Town receive grant funds as contemplated by Section 3.3(b)(3) of Article 3 of this Charter, a Town Meeting, or the Board of Selectmen, as applicable, shall appropriate the funds to an existing line item of the applicable Annual Town Budget, or, if no such line item exists, create a new line item on the Town's accounts for this purpose. After grant funds have been appropriated to an existing or new line item pursuant to the foregoing sentence, the funds so appropriated shall thereafter be deemed a part of such Annual Town Budget.

### **Section 9.15: Purchasing**

The Board of Selectmen, in accordance with the provisions of Section 3.3 (b)(1) of Article 3 of this Charter, shall be empowered to establish purchasing procedures to be followed by all Town departments and agencies, except the Chester Board of Education.

### **Section 9.16: Expenditures and Accounting**

- a) All purchasing shall be conducted according to purchasing policies adopted by the Board of Selectmen. This Section shall not apply to the Chester Board of Education.
- b) No voucher, claim or charge against the Town shall be paid until the same has been approved for correctness and validity by the department head or the person involved in said purchase and approved by the First Selectman or Town Administrator. Checks for payment of approved claims shall be signed by the First Selectman or Town Administrator and countersigned by the Treasurer or Deputy Treasurer. In the absence or inability to act of either the First Selectman or the Town Administrator, the First Selectmen shall designate a Selectman to act on their behalf.
- c) Every payment made in violation of this Charter shall be deemed illegal and every official authorizing or making any such payment or taking part therein and every person knowingly receiving such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so paid or received. Any officer or employee who knowingly violates the provisions of this Charter shall be subject to disciplinary action up to and including termination.

### **Section 9.17: Transfer of Funds and Additional Appropriations**

- a) Transfer of Funds
  - 1. An agency or department may transfer funds between line items within its budget.
  - 2. Transfer of funds between agencies or departments shall be with approval of the Board of Selectmen.
  - 3. The Town may establish a contingency account within the General Fund amounting to a minimum of no less than 0.5% and a maximum no greater than 2% of the Total Town Government Budget. The Board of Selectmen may transfer funds from this contingency account to any agency or department, as follows: (i) the maximum transfer of available funds in such contingency fund that may be made by the Board of Selectmen to any one such recipient of an appropriation in any fiscal year shall not exceed 0.2% of the Total Town Government Budget; and (ii) for amounts exceeding 0.2% of the Total Town Government Budget, the Board of Selectmen with approval of the Financial Accountability Board may transfer any amount of the available funds in the contingency account to any one such recipient of an appropriation in any fiscal year. In the event that approval cannot be obtained from the Financial Accountability Board, any such transfer approved by the Board of Selectmen must be approved by a Town Meeting.
  - 4. Any transfer of funds from the General Fund or the Unassigned Fund Balance to the Capital Fund, the transfer of funds between line items within the Capital Fund, and release of funds from the

Capital Fund recommended by the Board of Selectmen may be made with the approval of the Financial Accountability Board. In the event that such approval cannot be obtained from the Financial Accountability Board, any transfer or release of funds approved by the Board of Selectmen may be made only with the approval of a Town Meeting.

b) **Additional Appropriations**

Additional appropriations of no greater than 0.4% of the Total Town Government Budget from the Unassigned Fund Balance to an agency or department may be made as follows: (i) upon recommendation of the Board of Selectmen with approval of the Financial Accountability Board; and (ii) in the event that such approval cannot be obtained from the Financial Accountability Board, any such additional appropriation approved by the Board of Selectmen may be made only with the approval of a Town Meeting.

Any additional appropriations from the Unassigned Fund Balance to an agency or department exceeding 0.4% of the Total Town Government Budget may be made as follows: (i) upon recommendation of the Board of Selectmen with the approval of the Financial Accountability Board may be made only with approval of a Town Meeting; and (ii) in the event that such approval cannot be obtained from the Financial Accountability Board, any such additional appropriation approved by the Board of Selectmen may be made only with the approval of a Town Meeting.

**Section 9.18: Annual Town Report**

The Board of Selectmen in consultation with the Financial Accountability Board shall annually prepare and publish the Annual Town Report. Such report shall be available for distribution and shall contain the information required pursuant to Section 7-406 of the General Statutes.

**Section 9.19: Audit**

The Financial Accountability Board shall annually designate an independent certified public accountant or firm of certified independent public accountants to audit the books and accounts of the Town and the Chester Board of Education, and any other areas as the auditor deems necessary, in accordance with Sections 7-391 through 7-397 of the General Statutes. The results of annual audit shall be presented by the auditor at a meeting of the Board of Selectmen.

**Section 9.20: Budget Monitoring**

The Finance Director, through the Town Administrator, shall periodically summarize the expenditures of each agency on the basis of the records kept by the Finance Director and shall provide to the Financial Accountability Board and each agency a report showing actual and anticipated expenditures to aid the agencies in financial planning.

**Section 9.21: Final Budget Reconciliation**

At the end of the fiscal year, the Finance Director, through the Town Administrator, shall compile a final financial report showing the original approved Annual Town Budget, transfers, final allocations, and final expenditures. A summary of the final Region 4 Education Budget shall also be included in the final financial report. The final financial report shall be provided to the Board of Selectmen, Financial Accountability Board, and Fiscal Advisory Committee, and it shall also be included in the Annual Town Report.

**Section 9.22: Public Emergency Expenditures**

For the purpose of meeting a public emergency threatening the lives, health or property of the Town, its businesses or citizens, emergency appropriations, the total amount of which shall not exceed one percent of

the current fiscal year's Total Town Government Budget, may be made upon the recommendations of the First Selectman and by a majority vote of the Board of Selectmen. In the absence of sufficient general fund resources to meet such appropriations and as may be determined by the Board of Selectmen, additional means of financing or funding may be provided in such manner, consistent with the provisions of the General Statutes, this Charter, and any federal law applicable to the funding or financing sought. The First Selectman or if so delegated the Town Administrator shall be empowered to receive, coordinate, and facilitate any request for emergency appropriations.

#### **Section 9.23: Expenditures before Adoption of Budget**

In the event that a budget has not been adopted by July 1 in any year, the Board of Selectmen may authorize expenditures and provide for the raising of necessary revenues pursuant to the provisions of Section 7-405 of the General Statutes.

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## **ARTICLE 10**

### **INTERGOVERNMENTAL RELATIONS**

#### **Section 10.1: General Provisions**

In accordance with Section 1.3 of Article 1 of this Charter, the Board of Selectmen may enter into contracts or agreements with the United States of America or any federal agency, the State of Connecticut and any political subdivision thereof, or any other body politic or corporate in order to provide or obtain municipal services and/or use of facilities in accordance with the terms of this Charter.

#### **Section 10.2: Regional School District #4**

Regional School District #4, including the Region #4 Board of Education, shall be governed in accordance with the provisions of the relevant statutes and special acts then in effect, except as specified in Section 7.3 of Article 7 of this Charter. Any voting pertaining to Regional School District 4 shall be done as provided in such statutes and public acts.

#### **Section 10.3: Board of Selectmen Powers**

- a) The Board of Selectmen may enter into contracts or agreements for providing, obtaining, and/or sharing of services which the Town provides through an elected or appointed Town official or agency, including joining with other towns and/or regional councils of government to provide or obtain services and/or the use of facilities.
- b) The Board of Selectmen shall consider requests for appointments of Town representatives to boards and committees of political subdivisions and organizations involved in and/or providing services to the Town, and where appropriate by a majority vote, the Board of Selectmen shall make such appointments. For appointment requests made to Town agencies, the agency shall recommend a Town representative for appointment to the Board of Selectmen, which appointment shall require confirmation by a majority vote the Board of Selectmen.

#### **Section 10.4: Budget Provisions Applicable**

Any arrangement entered into between the Town and the United States of America or any federal agency, the State of Connecticut and any political subdivision thereof or any body politic or corporate, shall be subject to budgeting requirements for expenditures by the Town in accordance with Article 9 of this Charter.

## **ARTICLE 11**

### **TRANSITION AND MISCELLANEOUS PROVISIONS**

#### **Section 11.1: Existing Laws and Ordinances**

All General Statutes in their application to the Town and all ordinances, by-laws, rules, and regulations of the Town and of its Agencies shall continue in effect, as the same may be amended from time to time, except as they are inconsistent with the provisions of this Charter. All Special Acts of the Connecticut General Assembly or parts of any such Special Acts of the Connecticut General Assembly relating to the Town not inconsistent with this Charter shall continue in effect.

#### **Section 11.2: Rules of Construction and Saving Clause**

- a) This Charter is intended to avail, make use of, and exercise the full home rule powers of the Town under Sections 7-187 through 7-201 of the General Statutes, inclusive, and any other Statute now in effect or hereafter enacted and any other home rule powers thereof under the Constitution, under the common law, or otherwise.
- b) No provision of this Charter shall be construed as intended to conflict with, or be inconsistent with, the Constitution or any General Statute, which as a matter of law preempts such provision, but in all cases each provision of this Charter shall be construed, to the maximum extent possible, as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.
- c) If any provision 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 application of the balance of the Charter in the context in which such provision so held invalid may appear, except to the extent that an entire Section of any Article of this Charter may be inseparably connected in meaning and effect with the provision to which such holding shall directly apply, in which case the entire Section will be deemed invalid.

#### **Section 11.3: Robert's Rules of Order for Agencies**

In the absence of specific rules of procedure adopted by an Agency, the latest edition of Robert's Rules of Order as modified by the provisions establishing the Procedure for Small Boards shall govern the conduct of all meetings of such Agency.

#### **Section 11.4: Amendment of Charter**

This Charter may be amended in the manner prescribed by the General Statutes. The Board of Selectmen shall review the provisions of this Charter from time to time as it deems such review to be in the best interest of the Town, said review to be published as part of the Annual Town Report; and as the Board of Selectmen may determine, appoint a commission to review, and propose amendment to or revision of this charter in the manner prescribed by the General Statutes.

In the event the General Statutes are hereafter amended in such a way as to overrule or supersede any provision of this Charter, such provision shall be deemed automatically amended to conform to the provisions of the General Statutes.

#### **Section 11.5: Transfer of Powers**

- a) The powers which are conferred and the duties which are imposed upon any Town agency by the General Statutes or any Town ordinance or Town Meeting or Board of Selectmen resolution, in force at the time this Charter shall take effect, if such agency is abolished by this Charter, shall be thereafter exercised, and discharged by the agency upon which are imposed corresponding or like functions, powers and duties

under the provisions of this Charter. All agencies abolished by the Charter, whether elective or appointive shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such agencies and the performance of their duties by other agencies created under the Charter and until the Board of Selectmen shall have notified the members of such agencies which are abolished by the Charter that their successors have qualified.

- b) The Board of Selectmen, Financial Accountability Board, and Fiscal Advisory Committee upon election of the Board of Selectmen and the Financial Accountability Board in November 2025 shall assume the powers, duties, and functions formerly discharged by the Board of Finance and those as specified in this Charter.
- c) As of the effective date of this Charter, the following agencies that were formerly elective agencies shall become appointive agencies as specified in Article 8, including the Board of Assessment Appeals, Library Board of Trustees, Planning and Zoning Commission, and Zoning Board of Appeals. Elected members of these agencies shall continue to serve as members until the expiration of their terms. Transition of these agencies to comply with Section 8.3 of Article 8 and Section 6.2 of Article 6 of this Charter regarding number of members and having no alternates shall be made upon expiration of member and alternate member terms or upon resignation of such members or alternate members whichever shall first occur, as applicable.

#### **Section 11.6: Conflict 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 and any action taken 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 such person 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 an affirmative vote of two-thirds of the Board of Selectmen in accordance with Section 3.4 of Article 3 of this Charter.

#### **Section 11.7: Effective Date**

The effective date of this Charter shall be at noon on January 1, 2025.