

Richard LeBorious. Chairman
East Windsor Charter Revision
Commission

Joanne Slater
Town clerk
Town of East Windsor, CT

2/17/2015

Please accept the attached Revised Charter and forward to the Board of Selectmen for their consideration. The Charter presented represents our recommendations for the future governance of East Windsor. We forward this document after careful consideration of input from the community, including individual citizens, members of Boards and Commissions, elected and appointed officials, and outside experts in municipal government. The document incorporates the suggestions of the Town Attorney as reviewed at our earlier meeting with the Board of Selectmen.

Respectfully submitted,

Richard LeBorious 

Richard LeBorious. Chairman
East Windsor Charter Revision Commission

RECEIVED
Town of East Windsor
Town Clerks Office

FEB 17 2015

By: 
Town Clerk

EAST WINDSOR CHARTER
EAST WINDSOR, CONNECTICUT

**Recommended by the Charter Revision Commission -
February 12, 2015**

RECEIVED

Town of East Windsor
Town Clerks Office

FEB 17 2015

By



Town Clerk

TOWN OF EAST WINDSOR
Table of Contents

CHAPTER I INFORMATION AND GENERAL POWERS	1
Section 1-1 Incorporation	1
Section 1-2 Rights and Obligations	1
Section 1-3 General Grant of Powers	2
Section 1-4 Existing Laws and Ordinances	2
CHAPTER II – ELECTIONS	2
Section 2-1 General	2
Section 2-2 Minority Representation	4
Section 2-3 Voting District	4
Section 2-4 Breaking a Tie	4
Section 2-5 Eligibility	4
Section 2-6 Board for Admission of Electors	5
Section 2-7 Vacancies	5
CHAPTER III - DUTIES OF ELECTED TOWN OFFICERS, BOARDS AND COMMISSIONS.....	5
Section 3-1 General Powers and Duties	5
Section 3-2 Elected, Boards and Commissions	5
CHAPTER IV - BOARD OF SELECTMEN	6
Section 4-1 Composition	6
Section 4-2 General Powers and Duties	6
Section 4-3 Appointments	7
Section 4-4 Organization	7
Section 4-5 Procedure	8
Section 4-6 Emergency Powers	8
Section 4-7 Vacancies in the Board of Selectmen	9
Section 4-8 Compensation	10
CHAPTER V - THE FIRST SELECTMAN and the TOWN ADMINISTRATOR	10
Section 5-1 General	10
Section 5-2 Powers and Duties	10
Section 5-3 Delegation of Duties	11
Section 5-4 Chief Administrative Officer	11
Section 5-5 Supervision and Responsibilities	12
Section 5-6 General Duties	12

CHAPTER VI - APPOINTED OFFICIALS	13
Section 6-1 Authority to Establish and Abolish Town Departments and Agencies	13
Section 6-2 Appointments	13
Section 6-3 Qualifications	14
Section 6-4 Vacancies	14
Section 6-5 Removal of Appointed Officials	14
Section 6-6 Appointed Officials Required by the Charter	15
Section 6-7 Other Appointed Officials	18
 CHAPTER VII - BOARDS, AUTHORITIES, COMMISSIONS AND ASSOCIATIONS	 19
Section 7-1 General Powers and Procedures, Records Requirement for Appointive Boards and Commissions	 19
Section 7-2 Appointed Boards and Commissions	22
Section 7-3 Additional Appointive Boards and Commissions Established by Ordinance	23
Section 7-4 Special and Temporary Committees	24
Section 7-5 Merger or Consolidation of Boards and Commissions	24
Section 7-6 Regional and Interlocal Agencies	24
 CHAPTER VIII - FINANCE AND TAXATION	 24
Section 8-1 General Authority and Powers of the Board of Selectmen	24
Section 8-2 General Provisions	25
Section 8-3 Budget Procedures.....	26
Section 8-4 Submission of the Budget to Referendum.....	30
Section 8-5 Duties of the Board of Selectmen on Other Financial Matters	31
Section 8-6 Purchasing	32
Section 8-7 Unexpected Appropriations	32
Section 8-8 Annual Audit	32
Section 8-9 Annual Town Report	33
 CHAPTER IX TOWN EMPLOYEES	 33
Section 9-1 Personnel Regulations	33
Section 9-2 Employee Status	33
Section 9-3 Collective Bargaining	34
Section 9-4 Exception	34
 CHAPTER X - TOWN MEETING	 34
Section 10-1 Legislative Powers	34
Section 10-2 Members of the Town Meeting	35
Section 10-3 Annual Town Meeting	35
Section 10-4 Special Town Meetings	35
Section 10-5 Town Meeting by Petition	35
Section 10-6 Annual Budget Referendum	36
Section 10-7 Organization and Procedure	36
Section 10-8 Actions Requiring a Town Meeting	36

CHAPTER XI CONFLICT OF INTEREST 37

 Section 11-1 General 37

 Section 11-2 Disclosure 37

 Section 11-3 Remedial Action for Violation of this Chapter 38

CHAPTER XII - MISCELLANEOUS PROVISIONS 38

 Section 12-1 Transfer of Powers 38

 Section 12-2 Transfer of Records and Property 39

 Section 12-3 Status of Employees 39

 Section 12-4 Continuation of Appropriations and Town Funds 39

 Section 12-5 Legal Proceedings 40

 Section 12-6 Existing Laws and Ordinances 40

 Section 12-7 Review and Amendment of Charter 40

 Section 12-8 Rules of Construction and Saving Clause 41

 Section 12-9 Usage 41

 Section 12-10 Reference to the General Statutes, Special Acts, and Ordinances 41

 Section 12-11 Effective Date 41

PREAMBLE

We, the people of the Town of East Windsor, under the constitution and laws of the State of Connecticut, in order to secure the benefits of local self-government and to provide for an honest and accountable Board of Selectmen, Town Meeting form of government, do hereby adopt this Charter and confer upon the Town the following powers, subject to the following restrictions and prescribed by the following procedures and governmental structure. By this action we secure the benefits of home rule and affirm the values of democracy, political leadership, citizen participation, with the flexibility to serve the people, conserve public resources, efficiently organize the administration of government, and meet the needs of the public.

CHAPTER I - INFORMATION AND GENERAL POWERS

Section 1-1 Incorporation

All the inhabitants dwelling within the territorial limits of the Town of East Windsor, as heretofore constituted, shall continue to be a body politic and be incorporated under the name of Town of East Windsor, hereinafter called "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 general law of the State of Connecticut as set forth in the Connecticut General Statutes (hereinafter referred to as "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 vested or inchoate in said Town, as of the effective date of this Charter, are continued in said Town and said Town shall continue to be liable for all debts and obligations of every kind. Nothing herein shall be construed to affect the rights of said Town to collect any assessment, charge, debt or lien. If any contract has been entered into by said Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of said Town which contains provisions that the same may be enforced by any commission, board, department or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired, but shall continue in full force and effect and the powers conferred and duties imposed with reference to the same upon any commission, board, agency, department or officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Selectmen of said Town.

Section 1-3 General Grant of Powers

In addition to all powers granted to towns under the Constitution and the 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 individuals, business entities, the United States or any federal agency, the State of Connecticut or any political subdivision thereof, for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution or the General Statutes. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

Section 1-4 Existing Laws and Ordinances

All general laws of the State of Connecticut applicable to the Town, and all ordinances and regulations of the Town, shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. All special acts or parts thereof, relating to the Town of East Windsor, inconsistent with the provisions of this Charter are repealed. The provisions of all special acts of the General Assembly relating to the Town of East Windsor which are not inconsistent with the provisions of this Charter are hereby retained.

CHAPTER II - ELECTIONS

Section 2-1 General

A. Applicability of the General Statutes. The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The Board of Selectmen shall recommend to special Town meetings ordinances for the manner of warning municipal elections and such additional

regulations in respect of elections, in accordance with the General Statutes, as may be necessary to accomplish the intent of this chapter.

B. State Elections. Term of Office. Nominations and elections of federal and state officers, including Registrars of Voters, Justices of the Peace and Probate Judge, shall be conducted as prescribed by the General Statutes. The term of office for the Registrar of Voters, Justice of the Peace and Judge of Probate shall be four years.

C. Town Elections. Term of Office. Nominations and elections of the following Town Officers or members of Boards and Commissions shall be conducted as prescribed by the General Statutes and shall take place at the regular Town elections on the first Tuesday after the first Monday in November of each odd numbered year and in the odd numbered years hereafter in accordance with their respective terms of office, which may be modified via duly enacted Ordinance.

- (1) First Selectman — Four-year term;
- (2) Six Members of the Board of Selectmen — two year term;
- (3) Nine Members of the Board of Education — Staggered four-year term (five members in Group A and four members in Group B);
- (4) Three members of the Board of Assessment Appeals — Staggered four-year term (one member in Group A and two members in Group B);

D. Qualified Resident Electors. The Registrars of Voters shall prepare lists of qualified resident electors to vote in the manner prescribed in the Constitution of the State of Connecticut and under the General Statutes.

E. Commencement of Term of Office. The terms of all municipal officers shall commence on the fourteenth day following the municipal elections unless otherwise stated in this Charter, and they shall hold office until their successors have been chosen, qualified, and take office. The term of office of the Registrars of Voters, Judge of Probate and Justices of the Peace shall commence as stated in the General Statutes.

F. Residential Requirements for Elective Office.—All Town Officers or members of Boards and Commissions shall be resident electors of said Town.

Section 2-2 Minority Representation

The maximum number of members from any single political party on any elective or appointive board, commission, committee or similar body of the Town shall be determined in accordance with the provisions of the General Statutes.

Section 2-3 Voting District

Unless otherwise established by ordinance or the General Statutes, there shall be two voting districts in the Town. The Board of Selectmen shall provide a suitable polling place in each district. The Selectmen, Town Clerk, Registrars of Voters, and all other officers of the Town shall perform the duties required of them by law with respect to elections in the voting districts. All action taken under the provisions of this section shall be in accordance with the General Statutes.

Section 2-4 Breaking a Tie

When any regular, special municipal election, primary election or any referendum vote conducted pursuant to the provisions of this Charter results in a tie, the tie shall be broken in accordance with provisions of the General Statutes.

Section 2-5 Eligibility

No person shall be eligible for election to any Town office, board, commission or similar body who is not at the time of their election a resident elector of said Town.

Any person ceasing to be a resident elector of said Town shall thereupon cease to hold such elective office in the Town.

Section 2-6 Board for Admission of Electors

The Town Clerk, or any Assistants, Registrars of Voters, or any Deputies shall constitute the Board for Admissions of Electors in accordance with the provisions of the General Statutes.

Section 2-7 Vacancies

Any vacancy in any elective Town office, including the Board of Education, shall be filled within eighty-five days of such vacancy by the Board of Selectmen for the unexpired portion of the term or until the next regular Municipal election, as defined in the General Statutes, whichever shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office, or by the appointment of an unaffiliated town resident if the office was vacated by an unaffiliated town resident. Endorsement, alone, by any political party in this instance shall not constitute an affiliation either for the vacating member or the replacement member.

CHAPTER III - DUTIES OF ELECTED TOWN OFFICERS, BOARDS AND COMMISSIONS

Section 3-1 General Powers and Duties

Except as otherwise provided in this Charter, all elected Town Officers and members of Board and Commissions, including members of the Board of Education, as enumerated in Section 2-1(C) of this Charter, shall have the powers and duties prescribed by the General Statutes, this Charter and the Town's ordinances.

Section 3-2 Elected, Boards and Commissions

- A. A Chairperson, Secretary and such other officers as deemed appropriate by each elective board and commission shall be chosen biennially at a meeting of each respective board or commission held within thirty days of the commencement of terms of members elected at each regular biennial Town election.
- B. Meetings shall be held in accordance with Roberts Rules of Order. All Regular Meetings shall have time allotted for public comment.

C. Copies of all minutes taken by each board and commission, including the Board of Education, and the recorded vote of each member thereof on all issues, shall be filed with the Town Clerk and the First Selectman and posted to the website within the time specified in the General Statutes, and in compliance with Freedom of Information laws and regulations.

D. With respect to the Zoning Board of Appeals, if a regular member of either commission is absent or is disqualified, the Chairman of the commission shall designate an alternate to so act in place of the absent or disqualified member. The Chairman shall choose an alternate in rotation so that each alternate shall act, as nearly as possible, an equal number of times and maintain conformity to the requirements of Section 2-2 of the Charter. If any alternate is not available, such fact shall be recorded in the minutes of the meeting.

CHAPTER IV - BOARD OF SELECTMEN

Section 4-1 Composition

The Board of Selectmen shall consist of the First Selectman, Deputy First Selectman and five other Selectmen.

Section 4-2 General Powers and Duties

A. The Board of Selectmen shall have all the powers and duties hereinafter conferred upon said Selectmen and all those powers and duties which, on the effective date of this Charter, were conferred by the General Statutes upon Boards of Selectmen, except as otherwise specifically provided in this Charter. The First Selectman may, as needed, appoint a member of the Board of Selectmen to serve as an ex-officio, non-voting member of the several regular and special Town boards, commissions and agencies. Notification of such appointment shall be presented in writing to the affected board or commission.

B. The Board of Selectmen shall, at least once each calendar year, call a general meeting of the chairpersons of all Town boards, agencies and commissions and Town elected and

appointed officials. The purpose of these meetings shall be to coordinate the activities of all Town officers, boards, agencies and commissions.

C. The Board of Selectmen may recommend to special Town meetings the creation, consolidation or abolition of boards, commissions, departments and offices, as set forth in Chapter VII of this Charter and may recommend to special Town meetings the adoption or repeal of ordinances.

D. The Board of Selectmen shall make all rules and regulations relating to the purchasing and bidding procedures for the Town.

E. The Board of Selectmen, or their appointees, shall prepare a program concerning municipal improvements of proposed capital projects for the ensuing fiscal year and for four fiscal years thereafter. Estimates of the costs of such projects shall be submitted annually to the Board of Selectmen by the Capital Improvement Plan Advisory Committee in accordance with Section 8-4(A) of this Charter. The Board of Selectmen shall meet to recommend those projects to be undertaken during the ensuing fiscal year and a method of financing the same on a date set forth in the budget guidelines by the Board of Selectmen pursuant to Section 8-4(A) of this Charter.

Section 4-3 Appointments

The Board of Selectmen shall have the power to appoint such personnel and members of boards, commissions and other similar bodies as are provided in this Charter. No member of the Board of Selectmen, including the First Selectman, during the term of office for which elected and for one year thereafter, shall be eligible for appointment to any other salaried office or position of profit with the Town.

Section 4-4 Organization

The newly elected Board of Selectmen shall meet on the fourteenth day following its election. After the oath of office is administered to all members prior to the commencement of the meeting, the meeting shall be called to order by the First Selectman. At said organizational

meeting, the Board of Selectmen shall elect a Deputy First Selectman who shall serve as acting First Selectman in the event of the temporary absence or temporary disability of the First Selectman.

Section 4-5 Procedure

At the first meeting of the Board of Selectmen following each Town election, said Board of Selectmen shall fix the time and place of their regular meetings to be held in accordance with the provisions of the General Statutes, as amended. The Board of Selectmen shall follow Roberts Rules of Order. All regular meetings and special meetings of the Board of Selectmen for the transaction of business shall be open to the public and shall afford to the electors of the Town an opportunity to address the Board of Selectmen with suggestions, petitions and complaints. The votes of all meetings shall be recorded as prescribed by the General Statutes, as amended. Four members of the Board of Selectmen shall constitute a quorum. Emergency ordinances, resolutions or votes shall be adopted by affirmative vote of a majority of those members present.

Section 4-6 Emergency Powers

A. Declaration of an Emergency. The First Selectman or, in his/her absence, the Deputy First Selectman may declare that a public emergency exists or threatens to arise when such an emergency has been declared for the Town, by the President of the United States, the Governor of the State of Connecticut, or upon the affirmative vote of the First Selectman and at least three (3) Selectmen. A public emergency is any condition which threatens damage or injury to property or health, or the curtailment of Town services. When a public emergency has been declared, the First Selectman may mobilize, organize and direct the forces of the Town and call upon and cooperate with the State or its political subdivisions or the United States government, as necessary. The First Selectman may summon, marshal deputize or otherwise engage other persons to do whatever the

First Selectman may deem necessary to meet or mitigate the emergency, in accordance with the authority granted under the General Statutes.

B. Appropriations for Emergencies. The First Selectman may obligate the town in an amount not to exceed \$100,000.00 to meet or mitigate any declared public emergency. The First Selectman shall report any action taken hereunder at the next meeting of the Board of Selectmen. In the event that funds in addition to the public emergency contingency are required to meet or mitigate a declared public emergency, the First Selectmen shall determine the necessary amount and seek Board of Selectmen approval to authorize transfers for any additional funds to meet or mitigate a declared public emergency.

C. Power to Enact Emergency Ordinances. On a declaration pursuant to Section 4-1A) of this Charter, the Board of Selectmen may enact ordinances or regulations to meet such emergency. The enactments shall become effective immediately upon passage. No public hearing shall be required for emergency ordinances and such ordinances shall become effective immediately, and shall be published promptly in a newspaper having general circulation in the Town. Every emergency ordinance and amendments thereto shall be automatically repealed when the First Selectman or Deputy First Selectman shall declare that the emergency no longer exists, but in no event beyond the thirty-first day from the adoption of the ordinances.

D. Emergency Meetings. If a public emergency is declared or threatened, the First Selectman may convene the members of any or all Town Boards and Commission, or any group of Town Officials to review and coordinate activities, plan operations of the Town government or for such other purposes as he/she deems reasonable or expedient. The First Selectman shall preside at any such meeting, and report the outcome to the Board of Selectmen and at the next special town meeting.

Section 4-7 Vacancies in the Board of Selectmen

If a vacancy shall occur in the office of the First Selectman, the Deputy First Selectman shall assume the office of the First Selectman with all the powers and duties of an elected First

Selectman. Such person shall serve until a successor has been appointed and duly qualified as provided in the General Statutes. If a vacancy shall occur in the office of the Board of Selectmen, other than in the office of the First Selectman, the successor shall be appointed and duly qualified as provided in the General Statutes.

Section 4-8 Compensation

The members of the Board of Selectmen, its employees and appointed personnel shall receive such compensation as may be determined by the budget submitted to and adopted as a result of the approved Annual Town Budget.

CHAPTER V - THE FIRST SELECTMAN and TOWN ADMINISTRATOR

Section 5-1 General

Unless otherwise provided by law, the First Selectman as the Chief Executive of the town, shall, with the approval of the Board of Selectmen, have the authority to enter into, administer, and/or terminate contracts including but not limited to employment or collective bargaining agreements which obligate the Town for any and all financial agreements within the approved Annual Budget. As the Chief Contracting Officer the First Selectman may delegate signature authority for purchase orders to department heads within the approved Annual Budget. The First Selectman's position will be a part-time position. Compensation will be decided by the Town's annual budget appropriation.

Section 5-2 Powers and Duties

The First Selectman shall have the powers and duties provided in this Charter and those provided in the Special Acts, the General Statutes and ordinances and regulations of the Town, consistent with this Charter.

- A. The First Selectman, or designee, shall be the official representative of the Town for all ceremonial purposes.

- B. The First Selectman shall execute, or cause to be executed, the provisions of this Charter, the General Statutes and ordinances, regulations, resolutions and policies of the Town.
- C. The First Selectman shall provide guidance to the Town Administrator, in coordinating and administrating the actions of agencies of the Town, except for those functions expressly reserved or delegated to such agencies by law.
- D. The First Selectmen shall perform a continuous review of the current and future needs of the Town and, in conjunction therewith, he/she may require reports and information to be submitted by the Town Administrator or any agency through the Town Administrator.
- E. The First Selectmen shall prepare a meeting agenda, in conjunction with the Town Administrator, for each Board of Selectmen meeting.
- F. The First Selectman shall provide coordination of and guidance to the Board of Selectmen in the discharge of all Board of Selectmen's duties and responsibilities.
- G. The First Selectman shall be responsible for coordination of all inter-governmental relations.

Section 5.3 Delegation of Duties

The First Selectman is the Chief Executive Officer of the Town. To assist in the discharge of the duties and responsibilities of his/her office, and the Board of Selectmen, certain duties shall be delegated to the Town Administrator as described in this Article 5 of this Charter. In addition, the First Selectman may assign and delegate duties to the Selectmen and to the Town officers responsible to him/her, including the Town Administrator.

Section 5.4 Town Administrator

The Town Administrator shall be the Chief Administrative Officer of the Town. He/she shall report to and 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 specified in this Charter, and as may be properly delegated to him/her by the First

Selectman or as may be determined by the Board of Selectmen, consistent with this Charter and other applicable law.

The Town Administrator shall be hired by the Board of Selectmen after having been chosen exclusively on the basis of technical and administrative qualifications, character, educational background and training/certification and professionally-related experience. Educational training shall be defined as a minimum of a baccalaureate degree. The Board of Selectmen may hire and discharge the Town Administrator upon the affirmative vote of a majority of the Board of Selectmen.

Section 5.5 Supervision and Responsibilities

The Town Administrator is responsible to, reports to and works under the general direction of the First Selectman and Board of Selectmen. He/she shall be responsible for the administration of all Town departments and agencies, except the Board of Education and Town agencies whose head or members are elected by popular vote. He/she shall coordinate the administration of the officers, boards, commissions, 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 5.6 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 a majority of the Board of Selectmen and/or First Selectman in accordance with this Article 5.

- A. The Town Administrator, in conjunction with the First Selectman, shall prepare the Board of Selectmen meeting agendas, including analysis of and recommendations on pertinent issues. He/she shall develop policies for review and draft proposed regulations and ordinances. The Town Administrator shall have the right to attend all meetings of the Board of Selectmen, except those executive sessions as determined by the board,

with the full right to participate in all discussions, but without the right to vote. The Town Administrator shall have ultimate responsibility for the care, maintenance and operation of all buildings, real estate, apparatus and personal property which are subject to the control of the Board of Selectmen.

B. With the approval of the Board of Selectmen, the Town Administrator shall supervise the administration of the affairs of the Town, including all personnel matters, consistent with the provisions of this Charter, the General Statutes and ordinances, regulations, resolutions and policies of the Town.

CHAPTER VI - APPOINTED OFFICIALS

Section 6-1 Authority to Establish and Abolish Town Departments and Agencies

A. The Town, acting within the powers and duties enumerated in the General Statutes and this Charter, may establish or abolish, by ordinance, such departments necessary to carry out and organize the functions of government. The express intent of this Charter is to allow the Board of Selectmen and the special town meeting the ability to organize the government in order to achieve a balance of efficiency and service to the people of the Town.

B. The departments and agencies of the Town shall be established by ordinance, unless otherwise established by this Charter. Each of these departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and ordinances. Moreover, the director of each department established by ordinance shall be subject to the provisions of this Charter and the General Statutes generally applicable to appointed officials.

Section 6-2 Appointments and Reporting

The Board of Selectmen shall appoint officials as they deem necessary in furtherance of the best interests of the Town after the First Selectman recommends said appointments ("Appointed Officials"). The compensation, if any, to such persons shall be determined in

the same manner as provided in Section 4-8 of this Charter. All Appointed Officials shall report to the Town Administrator.

Section 6-3 Qualifications

The job qualifications of all appointed officials shall be established by the Town Administrator and approved by the Board of Selectmen. Said job qualifications shall be prepared in accordance with accepted professional standards and shall be reviewed for any desired or required updates no less than every four (4) years and whenever a vacancy occurs in the position.

Section 6-4 Vacancies

Any vacancy in any position appointed by the Board of Selectmen shall be filled by the Board of Selectmen. Persons appointed to fill vacancies in said position shall serve for the period of time as specified by the Board of Selectmen, consistent with this Charter.

Section 6-5 Removal of Appointed Officials

An appointed official may be removed for cause by the Board of Selectmen. No such removal shall be effective until the official has been sent, by certified mail, postage-paid, a certified letter stating the reasons why the official is being removed. The appointed official shall have fifteen days after the date of the mailing of said letter to request a hearing before the Board of Selectmen, at which hearing the official may appear with counsel. Any such hearing conducted shall be held in executive session unless the person who is the subject of the hearing requests that it be held in public. "Cause" shall be defined as a dereliction of duty, engaging in conduct that is a conflict of interest or conduct unbecoming a Town official, as determined in the sole discretion of a majority of the Board of Selectmen.

Section 6-6 Appointed Officials Required by the Charter

A. Director of Health (or Regional Agency). The Director of Health shall have the powers and duties, consistent with this Charter, conferred by the General Statutes on such officer. The duties of a Director of Health may be performed by a regional agency.

B. Town Attorney. The Town Attorney shall be an Attorney at Law admitted to practice in the State of Connecticut and shall be retained by the Board of Selectmen. The Town Attorney shall:

- (1) upon request from the Board of Selectmen, appear for and protect the rights of the Town in actions, suits or procedures brought against it or any of its departments, officials, boards, commissions or other agencies of the Town;
- (2) be the legal advisor of the Board of Selectmen, and all Town officials, boards, commissions or other agencies of the Town, in all matters affecting the Town and shall, upon request from the First Selectman or from the Chairman of any of said boards, commissions or other agencies of the Town, furnish a written opinion on any question of law involving their respective powers, duties and responsibilities;
- (3) prepare or approve forms, contracts or other instruments to which the Town is a party or in which it has an interest;
- (4) have the power, with the approval of the Board of Selectmen, to appeal orders, decisions and judgments and, subject to the approval of said Board of Selectmen, to compromise and settle any claims by or against the Town;
- (5) if, in special circumstances, or for investigation purposes, the Board of Selectmen deems it advisable, it may provide for the temporary employment of counsel other than or in addition to the Town Attorney; and
- (6) act upon those matters to come before a Special Town Meeting as stated in Section 10-5 of this Charter.

C. Town Engineer and Director of Public Works. The Town Engineer and Director of Public Works shall be a registered professional engineer admitted to practice in the

State of Connecticut and shall be retained by the Board of Selectmen. The Town Engineer and Director of Public Works shall have such duties as prescribed by the Board of Selectmen.

D. Town Treasurer. The Town Treasurer shall be qualified by training, experience, education and professional certification as determined by the Board of Selectmen and the Town Administrator.

(1) The Town Treasurer shall have all the powers and duties conferred by the General Statutes and such powers and duties, consistent with this Charter, as may be prescribed by the Board of Selectmen, including but not limited to, the following:

(a) The Treasurer shall receive all monies belonging to the Town, pay it out in the order of the proper authority, keep accurately the records required by law and have such other powers and duties as are prescribed in the General Statutes.

(b) The Treasurer shall inform all departments that monies belonging to the Town shall be deposited within three working days from receipt of same.

(c) All monies received belonging to the Town will either be deposited or turned over to the Treasurer within three working days.

(2) The Town Treasurer may appoint and may remove all Assistant Town Treasurers and other employees subject to prior approval of the Board of Selectmen, and subject to such rules and regulations covering town employees as may be adopted by the Board of Selectmen, and all collective bargaining agreements, if applicable.

(3) The Town Treasurer shall report to the Town Administrator.

E. Tax Collector. The Board of Selectmen shall appoint a Tax Collector who shall be qualified by training, experience, education and professional certification as determined by the Board of Selectmen.

The Tax Collector shall have all the powers and duties conferred by the General Statutes and such powers and duties, consistent with this Charter, as may be prescribed by the Board of Selectmen.

(1) The Tax Collector shall collect taxes and other assessments and deposit same within five working days.

(2) Taxes shall be due and payable in semi-annual installments on July first and January first of each year, unless otherwise fixed by ordinance.

(3) The Tax Collector shall issue monthly reports to the Town Treasurer and Town Administrator. The Board of Selectmen shall, in its discretion, be permitted to request and secure additional, other than monthly, reports from the Tax Collector.

(4) The Tax Collector may appoint and may remove all Assistant Tax Collectors and other employees subject to approval of the Board of Selectmen, and subject to such rules and regulations covering town employees as may be adopted by the Board of Selectmen, and all collective bargaining agreements, as applicable.

F. Assessor. The Board of Selectmen shall appoint an Assessor who shall be qualified by training, experience, education and professional certification as determined by the Board of Selectmen.

(1) The Assessor shall have all the powers and duties conferred by the General Statutes and such powers and duties, consistent with this Charter, as may be prescribed by the Board of Selectmen.

(2) The Assessor may appoint and may remove all Assistant Town Assessors and other employees subject to approval of the Board of Selectmen, and subject to such rules and regulations covering town employees as may be adopted by the Board of Selectmen; and all collective bargaining agreements, as applicable.

G. Town Clerk. The Board of Selectmen shall appoint a Town Clerk who shall be qualified by training, experience, education and professional certification as determined by the Board of Selectmen.

(1) The Town Clerk shall have all the powers and duties conferred by the General Statutes and such powers and duties, consistent with this Charter, as may be prescribed by the Board of Selectmen.

(2) The Town Clerk may appoint and may remove all Assistant Town Clerks and other employees subject to approval of the Board of Selectmen, and subject to such rules and regulations covering town employees as may be adopted by the Board of Selectmen.

H. Chief of Police. The Board of Selectmen, in consultation with the Town Administrator, shall hire a Chief of Police ("Police Chief") to manage the day to day activities of the East Windsor police personnel, including its sworn officers, clerical staff and dispatchers (collectively the "Police Department").

(1) The Police Chief shall be hired exclusively on the basis of technical and administrative qualifications, character, educational background and training/certification and professionally-related experience. The Police Chief shall report to the Town Administrator and, as requested, to the Board of Selectmen, regularly on all police and Police Department matters.

(2) The Board of Selectmen shall draft policies, procedures, guidelines and regulations relating to the administration and management of the East Windsor Police Department.

(3) The Police Chief shall have such powers and duties as may be prescribed by the General Statutes and/or policies and procedures promulgated by the Board of Selectmen.

(4) The Police Chief may hire, and may recommend the removal of, all sworn officers and other employees who work under his/her direction and control in the East Windsor Police Department to the Board of Selectmen, subject to such rules and regulations covering town employees as may be adopted by the Board of Selectmen and subject to all collective bargaining agreements, as applicable.

Section 6-7 Other Appointed Officials

Other appointed officials may be created by ordinance or budget to serve the following functions and shall have all the powers and duties consistent with this Charter, the General Statutes, ordinances and prescribed by the Board of Selectmen: care of trees and landscape; enforcement of the building code; zoning; conservation and inland-

wetlands enforcement and regulation; town planning; parks and recreation; emergency management; human services; functions of the fire marshal; town history and such other officials as may be necessary to effectuate the policies of the Town.

CHAPTER VII - BOARDS, AUTHORITIES, COMMISSIONS AND ASSOCIATIONS

Section 7-1 General Powers and Procedures, Records Requirement for Appointive Boards and Commissions

A. The First Selectman or his/her designee shall serve as Welfare Officer for the Town and shall be responsible for of the administration of all welfare activities of the Town.

B. **Creation of Boards and Commissions: Number of Members, Terms.** With the exception of those Boards and Commission required by this Charter, the special Town Meeting shall, upon recommendation of the Board of Selectmen, establish or abolish, by ordinance (as set forth in Section 10-4 of this Charter) the Boards and Commissions of the Town, including the number of members (and alternate members) and terms of office. Except as otherwise provided by the General Statutes, the number shall always be odd, the term of office shall not exceed a term of four years and the following limitations shall be placed on the number of members (alternates, if set forth in the ordinance shall be in addition to the number of members) who may serve:

(1) For Boards and Commissions required by this Charter, there shall be no less than three and no more than nine members, with the exception of the Pension Board as set forth in this Charter.

(2) For Department-related Boards and Commissions established by Ordinance pursuant to Section 7-3 of this Charter, there shall be no less than three and no more than a maximum number of members established by Ordinance;

(3) For ad hoc, special and temporary committees, task forces and blue ribbon panels, established by resolution of the Board of Selectmen, pursuant to Section 7-4 of this Charter, there shall be no less than three members.

The special Town Meeting in the enactment of an Ordinance shall make provision for the appointment of a chair, the keeping of records and the frequency of meetings of Boards and Commissions. Except as otherwise provided in this Charter, the Board of Selectmen shall regulate the internal operation of boards, commissions and offices which it fills by appointment. However, all boards shall establish procedures for the conduct of their meetings in accordance with Roberts Rules of Order. A quorum for a board or commission shall consist of a majority of the duly appointed members. The General Statutes shall prescribe the manner in which minutes are filed and posted and notices of meetings and agendas are published. Copies of all minutes taken by each board or commission shall include attendance of members and alternates, the recorded vote of each member thereof on all issues and shall be filed with the Town Clerk within the time specified in the General Statutes. The Town Clerk shall maintain files of such minutes which shall be public record.

C. Appointment. Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of Boards or Commissions shall be appointed by the Board of Selectmen as set forth in Section 4-3 of this Charter, for a term established by Ordinance or Resolution and until their successors have been appointed and qualified and may not be removed from office during their terms except for the reasons set forth in Section 7-1 (H) of this Charter, below. In the event of a vacancy on any Board or Commission, a successor may be appointed by the Board of Selectmen, except that during the last thirty (30) days of the term of a Selectman who has not been re-elected to office, the Board of Selectmen may not appoint any Board or Commission member except on an acting basis for a temporary period ending no later than sixty days following the commencement of the term of office of the new Selectman. The newly elected Board of Selectmen shall hereafter confirm or reject the temporary appointment for the remaining term of the position. All Board or Commission members shall serve until their successors have been appointed and qualified.

D. Powers. Except as otherwise provided in this Charter, all appointed Boards, Commissions and similar bodies shall have the powers and duties prescribed, conferred or imposed by the General Statutes and Ordinance.

E. Residency Requirement and Eligibility. No person may serve on a Board or Commission unless such person is a resident elector of the Town and shall have such qualifications as prescribed by the Board of Selectmen. If any person who is a member of a Board shall cease to be a resident elector of the Town, such person's membership on such Board or Commission shall be immediately terminated.

F. Political Composition. The political affiliation of the members of appointed Boards or Commissions shall reflect the requirements of the General Statutes with respect to minority party representation.

G. Vacancies. Any vacancy in any appointive Board, Commission or similar body from whatever cause arising, shall be filled by the Board of Selectmen, pursuant to Section 6-4 of this Charter. Persons appointed to fill such vacancies shall serve for the unexpired portion of the term vacated.

H. Compensation Prohibited. No member of any appointive Board shall receive compensation for services as such member, except for the reimbursement of necessary expenses, as authorized by the Board of Selectmen or as otherwise provided by law.

I. Removal. The Board of Selectmen may initiate proceedings to remove a member of any appointive Board, Commission, or relevant position or "panel of alternates" for any of the following reasons: (1) misconduct in the performance of duties; (2) four consecutive unexcused absences; (3) conviction of a felony; (4) conviction of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office; (5) engaging in conduct that constitutes a conflict of interest as determined by the Board of Selectman. Rules of Procedure for the removal of said member, and additional grounds for removal, shall be set by Ordinance.

Section 7-2 Appointed Boards and Commissions

The following Boards and Commissions shall be established, by ordinance, subject to the provisions and powers enumerated in the General Statutes and this Charter and shall be appointed by the Board of Selectmen:

- A. **Building Code Board of Appeals**, this shall carry out such responsibilities as set forth by the General Statutes and ordinance;
- B. **Emergency Management Advisory Council**, which shall carry out responsibilities as set forth in the General Statutes and by ordinance;
- C. **Conservation Commission**, shall be responsible for the development, conservation supervision and regulation of natural resources, including water resources, within the territorial limits of the Town as set forth in the General Statutes and ordinance;
- D. **Inland Wetlands Commission**, which shall serve as the agency which regulates the activities affecting the wetlands and watercourse within the territorial limits of the Town as set forth in the General Statutes and ordinance;
- E. **Economic Development Commission**, shall assist the Board of Selectmen in bringing business and industries into town, the improvement of existing business and industry and such other responsibilities as may be set forth by ordinance;
- F. **Elderly Commission**, which shall carry out such responsibilities as set forth by ordinance;
- G. **Ethics Commission**, which shall carry out such responsibilities as set forth by the General Statutes and ordinance;
- H. **Housing Authority**, which shall carry out such responsibilities as a separate public body corporate and politic and not as an agency of the Town as set forth by the General Statutes.
- I. **Park and Recreation Commission**, which shall provide for the maintenance of town parks, playgrounds, baths, swimming pools, gymnasiums, recreation places, public gardens and such other responsibilities as may be set forth by ordinance;
- J. **Planning and Zoning Commission**, which shall carry out such responsibilities as set forth by the General Statutes and ordinance;

K. Water Pollution Control Authority, which shall carry out such responsibilities as set forth in the General Statutes and ordinance.

L. Pension Board, which shall carry out such responsibilities as set forth in the General Statutes and ordinance.

(1) The Pension Board shall include three members of the Board of Selectmen, one of which shall be the First Selectman, one member of each board or commission attached to a department which has ten or more employees eligible for the Town pension plan, and two resident members to be appointed by the Board of Selectmen. Their term of office shall be four years.

(2) Said members shall be appointed by the chairperson of their respective boards or commissions. The appointed members shall select a chairperson from among the members of the Pension Board.

(3) The Pension Plan Administrator shall be the Town Treasurer.

(4) Notwithstanding the provisions of this Charter, vacancies on the Pension Board shall be filled by the Board of Selectmen.

M. Capital Improvements Plan Advisory Commission, shall advise the Board of Selectmen regarding capital expenditures for the upcoming fiscal year and for a period of four fiscal years thereafter by gathering information from Town departments and the Board of Education as set forth in this Charter, ordinance and the instruction of the Board of Selectmen.

Section 7-3 Additional Appointive Boards and Commissions Established by Ordinance

In addition to the Boards and Commissions set forth in Section 7-2 of this Charter, the Special Town Meeting shall upon recommendation of the Board of Selectmen establish or abolish, by ordinance (as set forth in Section 10-4 of this Charter), the Boards and Commissions of the Town as are necessary to effectuate the powers and purposes of the Town as enumerated in the General Statutes, and this Charter.

Section 7-4 Special and Temporary Committees

The Board of Selectmen may appoint, by resolution, special and temporary committees, task forces and panels as it may deem necessary and appropriate; said special and temporary boards, commissions and committees shall terminate no later than eighteen months after their creation. Upon appointment, the Board of Selectmen shall provide each such board, commission, or committee with specific written charges and a specific date by which it shall report back to the Board of Selectmen.

Section 7-5 Merger or Consolidation of Boards and Commissions

The functions of any Board or Commission required by this Charter may be merged or consolidated with another by Ordinance.

Section 7-6 Regional and Interlocal Agencies

The Town shall continue to participate in such regional and interlocal agencies and programs as authorized by ordinances adopted pursuant to the applicable provisions of the General Statutes. Nothing in this Charter shall be construed as limiting the authority of the Town to continue such participation or join new regional programs as authorized by the General Statutes.

CHAPTER VIII - FINANCE AND TAXATION

Section 8-1 General Authority and Powers of the Board of Selectmen

A. The Board of Selectmen shall have the authority to require that every Official, office, board, commission, agency or department, including the Board of Education, submit information to either the Board of Selectmen or, in the case of capital improvements, to the Capital Improvement Advisory Committee, in accordance with Section 8-4 of the Charter setting forth the best practices and procedural requirements for the development of the budget for the upcoming fiscal year.

B. Said guidelines shall be developed in consultation with the First Selectman and Town Administrator and shall be distributed on or before the first day of December prior to the affected fiscal year. The dates of all required budget submissions shall be included in the guidelines which dates shall be subject to strict enforcement by the Board of Selectmen and Town Administrator, including but not limited to personnel actions and removal proceedings for officials or employee who fail to comply with the requirements of this Charter.

C. The Town Budget shall include information provided by all Town Officials, offices, boards, commissions, agencies or departments required by this charter with the exception of the Board of Education. The Board of Education Budget shall include information provided by the Superintendent of Schools on behalf of the department of education.

Section 8-2 General Provisions

A. **Fiscal Year.** The fiscal year of the Town is the Uniform Fiscal Year as provided for in the General Statutes.

B. **No Liability or Expense to be incurred in Excess of Appropriation.** Unless otherwise provided by this Charter, no Commission, Board or official shall incur any liability or expense, by contract or otherwise, for which the Town shall be responsible that exceeds the appropriation set for it by the approved annual Budget; or for which there is no appropriation. Moreover, no money shall be expended without an appropriation.

C. **No Public Improvement to be ordered without Appropriation.** No public improvement of any kind shall be authorized or ordered until an appropriation for such improvement has been duly made, and funds to pay for such improvement been appropriated and designated for that purpose.

D. **The Balance of Appropriations and Revenue.** The total amount of appropriations for any one year shall not exceed the estimated income for that year.

Section 8-3 Budget Procedures

A. Capital Improvements Budget.

(1) Capital Improvement Advisory Committee. Annually, no later than August first, the Board of Selectmen shall appoint a Capital Improvement Plan Advisory Committee, consisting of no fewer than six and no more than nine members, for the purposes set forth in this section of this Charter.

(2) The Committee, working with the Town Administrator, shall advise the Board of Selectmen regarding capital expenditures for the upcoming fiscal year and for a period of four fiscal years thereafter.

(3) The Capital Improvement Plan Advisory Committee and Town Administrator shall gather information from Town departments and the Board of Education by September fifteenth of each year and the Town Administrator shall submit the Committee's recommendations for capital improvements to the Board of Selectmen no later than December first of each year.

B. Annual General Fund Budget Estimates.

The head of each Town agency and department, supported wholly or in part from Town funds, as well as the Board of Education, 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, future capital projects and revenues and unexpended balances for the current fiscal year, and such other data as the Board of Selectmen may require 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 shall prescribe, a program or programs showing services, activities, and work accomplished during the current year to be accomplished during the ensuing year.

C. Preparation and Submission of the Proposed Budget

It shall be the duty of the Town Administrator to compile preliminary estimates as provided by each agency and prepare a recommended Annual Town budget consisting of appropriate line items for all Town boards, agencies and departments and annual Town expenditures known as the Board of Selectmen's Budget, consolidated with a Board of Education Budget submitted to the Town Administrator by the Board of Education, which shall address the requirements of this section. The budget shall be submitted to the Board of Selectmen by March 15 of each year.

D. The Annual Town Budget document shall include:

- (1) Estimates of Revenue, presenting 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);
- (2) Itemized expenditures for each agency for the last completed fiscal year 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 (the Board of Selectmen shall present reasons for all of its recommendations);
- (3) Recommendations for capital projects to be undertaken during the ensuing fiscal year and a method of financing same;
- (4) Estimates of the balance and surplus of each fund, net taxable grand list, tax rate, contingency and reserve fund; and
- (5) A recommendation of an appropriation to the contingency account.

E. Deliberations on the Proposed Budget

- (1) **The Town Budget Public Hearings.** On or before the date set forth by the guidelines of the Board of Selectmen, the Board of Selectmen shall at the outset of its

deliberations conduct at least one (1) public hearing on the proposed Town Budget. Notice of said hearing(s) shall be published within five (5) days after the submission of the budget.

(2) The Board of Education Budget Public Hearings. On or before the date set forth in Section 8.4(C) of this Charter, above, the Board of Education shall at the outset of its deliberations conduct at least one (1) public hearing on the proposed Board of Education Budget. Notice of said hearing(s) shall be published within five (5) days after the submission of the budget. On or before the date set forth in Section 8.4(C) of this Charter, above, the Board of Education shall approve and submit the Board of Education Budget to the Town Administrator and Board of Selectmen.

F. Miscellaneous Provisions Pertaining to Deliberations by the Board of Selectmen and Board of Education

(1) Budget a public record. The proposed Town and Board of Education Budgets shall be public records filed in the Office of the Town Clerk and shall be open to public inspection. The budget messages of Section 8-4(D)(3)(b) shall be printed by the Town and the Board of Education at the time of its submission to the public.

(2) The Budget Message. The Town and Board of Education Budgets shall include a budget message, which shall be available at the first public hearing. The budget message shall contain the recommendations of the Board of Selectmen and the Board of Education concerning the fiscal policy of the Town and the Board of Education, a description of the important features of the budget plan, an explanation of all major increases or decreases and changes in budget recommendations as compared with the prior year, and a summary of the proposed budget showing comparisons itemized by principal sources of revenue and the main categories of expenditure. With respect to the Town Budget, said message should also summarize the Town's debt position, pension funding position, and include such other material as the Board of Selectmen deem desirable.

(3) Publication. The Board of Selectmen shall establish a date by which the Town and Board of Education Budgets shall be published.

G. Review and Approval of the Proposed Budgets by the Board of Selectmen

- (1) On or before the date set forth by the Board of Selectmen, and at all adjournments thereof, the Board of Selectmen with assistance from the Town Administrator shall:
- (a) Conduct a public hearing for comment on the Town Budget and the Board of Education Budget at the outset of its consideration;
 - (b) Adjust by line item the requested appropriations set forth in the Town Budget and the requests for appropriations for capital expenditures within the Board of Education Budget;
 - (c) Adjust the total appropriation requested for operating expenditures within the Board of Education Budget;
 - (d) At its discretion, or on advice from the Town Administrator, make other adjustments to the proposed Budgets by, among other things: recommending appropriations to incur or pay off any Town debt; providing a fund for public improvements or contingent funds for general or targeted purposes; or creating a reserve for uncollectible taxes;
 - (e) Calculate the Mill Rate to be assessed on the Grand List based on the Board's adjustments, if any, to the proposed Budgets; and
 - (f) Approve the adjusted proposed Budgets (including a Budget Message containing the information set forth in Section 8-3 (C)(3)(d), above) and the recommended Mill Rate.
- (2) On or before the date set forth by the guidelines of the Board of Selectmen, Town Administrator shall file the approved proposed Budgets and recommended Mill Rate with the Board of Selectmen and the Town Clerk's office.

(3) On or before the date set forth by the guidelines of the Board of Selectmen, the Town Administrator shall direct that the approved proposed Budgets and recommended Mill Rate are published.

Section 8-4 Submission of the Budget to Referendum.

A. Initial Budget Referendum. The budget as approved by the Board of Selectmen shall be submitted to the voters of the Town at a Budget Referendum to be held on the second Tuesday of the month of May.

B. Referendum Outcomes

(1) Approval of the Budget following Budget Referendum. If the budget is approved by a majority of those present and voting thereon at a Referendum, a copy or summary copy of the approved budget shall be filed with the Town Clerk within one week after the Referendum.

(a) Immediately upon approval of the budget, the Board of Selectmen shall set the Mill rate and notify the Tax Collector forthwith.

(b) Official copies of the budget as finally approved shall be filed by the Board of Selectmen with the Town Clerk within five days of the approval.

(2) Failure of the Budget following Initial and Second Budget Referendum. If the budget fails at either the initial or second Referendum, the budget shall be returned to the Board of Selectmen who shall, following a public hearing, resubmit a budget to a subsequent Referendum.

(3) Subsequent Budget Referenda. The budget as approved and re-submitted by the Board of Selectmen shall be submitted to the voters of the Town at a Second Budget Referendum to be held on the fourth Tuesday of the month of May.

(4) Failure of the Budget following the Second Budget Referendum. If the referendum fails at the Second Budget Referendum, the proposed annual budget will revert to the current fiscal year's adopted budget plus 2% or the current year's adopted budget plus the last announced social security increase (if the last social

security increase was greater than 2%), and shall be deemed to be the approved budget for such year. The budget shall be returned to the Board of Selectmen for the sole purpose of establishing a mil rate. The budget and mil rate shall be adopted no later than midnight on the 15th of June. The increased reserve shall be applied to each major line item of the current fiscal year's budget.

C. Expenditures without an Adopted Budget. Expenditures prior to the final adoption of the Town Budget shall be governed by the provisions of the General Statutes.

Section 8-5 Duties of the Board of Selectmen on Other Financial Matters

A. The estimate of expenditures submitted by the Board of Selectmen to the Budget Meeting shall include a recommendation for a contingency fund which shall not exceed three percent (3%) of the total expenditures for the proposed fiscal year. No expenditure or transfer may be made from this contingency fund without the approval of the Board of Selectmen, or as otherwise provided for in this Charter.

B. Supplementary Appropriation. Upon request of any office, board, commission or similar body that additional funds in excess of what had been provided in the approved annual budget or, if funds are required for which no provision was made in the budget, the Board of Selectmen, after inquiry into and review of the request, may approve one or more appropriations not to exceed twenty thousand (\$20,000.00) dollars. Said funds may be transferred within department or agency budgets or taken from any cash surplus available or from the contingency fund. The amount requested and approved shall not exceed twenty thousand (\$20,000.00) dollars for any one office, board, commission or similar body in any one year without Town Meeting approval, unless said appropriation is merely a transfer within an agency or department's budget as opposed to an additional appropriation or transfer from budget surplus or the contingency fund.

C. Any appropriation that needs to go to bonding, with the exception of anticipation bonds, requires an automatic referendum.

Section 8-6 Purchasing

Purchases for the Town excluding the Board of Education, shall be made under such rules and regulations as may be established by the Board of Selectmen.

Section 8-7 Unexpended Appropriations

Any portion of an annual appropriation remaining unexpended or unencumbered at the close of the fiscal year shall lapse and returned to the Town Capital Nonrecurring Unassigned Fund; provided, however, appropriations for construction or for other capital improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. Provided further that any such project shall be deemed to have been abandoned after one year shall lapse without any expenditure from, or encumbrances of, the appropriation therefore, unless the Town Administrator provides the Board of Selectmen with a written explanation of why the project has been dormant for over one year, and the Board of Selectmen vote to continue to fund said project.

Section 8-8 Annual Audit

A. The Board of Selectmen shall annually designate an independent certified public accountant, or firm of independent certified public accountants, licensed in the State of Connecticut to audit the books and accounts of the Town and Board of Education as required by the General Statutes and may periodically designate such accountant to perform special audits of the books and accounts of any office, board, commission or other agency of the Town. The recommendations of the auditors shall be submitted to the Board of Selectmen and the Town Treasurer and shall be included in the Annual Town Report for the current year. The Town Treasurer shall respond to the auditor's recommendations in the following year's Annual Town Report.

B. Any organization receiving funds from the Town not included in the Town audit including but not limited to the Board of Education and Housing Authority and all fire, health and safety agencies, shall cause an annual audit of its financial condition to be

conducted by a certified public accountant licensed in the State of Connecticut and shall submit the results of said audit to the Board of Selectmen prior to submission of said organizations budget request for the upcoming year. Notwithstanding the foregoing, the Board of Selectmen is authorized to establish rules for the exemption of organizations from the audit requirement based upon the financial capacity of the recipient organization to conduct an audit.

Section 8-9 Annual Town Report

The Town Administrator shall prepare and publish an Annual Town Report. The report shall be available for distribution at least five days before the Annual Town Meeting. The report shall contain such information as is required by the General Statutes and such other matters as the Board of Selectmen may deem advisable to include.

CHAPTER IX - TOWN EMPLOYEES

Section 9-1 Personnel Regulations

The Town Administrator shall prepare, maintain and regularly update personnel regulations for all employees (in accordance with the applicable labor laws and regulations) and elected officials to be submitted to and approved by the Board of Selectmen. These regulations shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leave and other leave absences, removals and such other rules and regulations as may be necessary to provide adequate and systematic procedure for the administration of the personnel affairs of the Town. Copies of such rules and regulations and any amendments shall be available to all employees and appointed and elected officials of the Town.

Section 9-2 Employee Status

- A.** All employees are "at will" employees unless subject to a written contract signed by the Town Administrator and approved by the Board of Selectmen.

B. If employment contracts are issued to any Town personnel there shall be a term limitation of four (4) years, and all contracts must be approved by the Board of Selectmen. Financial consideration will be determined on the basis of the annual budget and performance.

Section 9-3 Collective Bargaining

The Board of Selectmen shall appoint a committee that shall consist of the Town Administrator, at least two members from the Board of Selectmen, and any other appointed person deemed necessary by the Board of Selectmen, who shall represent the Town in collective bargaining with employee organizations and shall have such authority as is consistent with the General Statutes. If the Board of Selectmen deems it necessary, a professional negotiator may be retained.

Section 9-4 Exception

All of the above provisions of this Chapter shall not apply to the Board of Education, which is responsible for its own hiring, firing and collective bargaining.

CHAPTER X - TOWN MEETING

Section 10-1 Legislative Powers

- A. The legislative power of the Town shall be vested in the Town Meeting, with all powers conferred by the General Statutes and by this Charter.
- B. All Town Meetings, including Special Town Meetings and Town Meeting by petition, as hereinafter provided, shall be warned and conducted in accordance with the provisions of the General Statutes, inclusive, provided, however, that the provisions of this Charter, where inconsistent with the aforesaid General Statutes, shall govern. All Town Meetings shall be held starting at 7:30 p.m. and shall conclude no later than midnight. Meetings shall be held in accordance with Roberts Rules of Order.

Section 10-2 Members of the Town Meeting

Members of the Town Meeting shall be resident electors of the Town and all others entitled to vote at Town Meetings pursuant to the General Statutes.

Section 10-3 Annual Town Meeting

The Annual Town Meeting shall be held during the month of December each year to accept the Annual Town Report and to transact any other business properly coming before the Town Meeting.

Section 10-4 Special Town Meetings

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

Section 10-5 Town Meeting by Petition

A. Upon petition filed with the Town Clerk and signed by two hundred (200) resident electors entitled to vote at Town Meetings, petitioning for the warning and convening of a Special Town Meeting, said petition to be in accordance with the provisions of the General Statutes and must contain the text of the proposed ordinance or resolution to be considered at said Special Town Meeting, the Town Clerk shall, within ten days, determine whether or not the petition contains the required number of valid signatures, and if it does shall so certify to the Board of Selectmen within said ten days. Said petition may propose consideration of any proper matter to come before a Town Meeting. Upon receipt of such certification from the Town Clerk, the Board of Selectmen shall, within fourteen days thereafter, cause to be convened a Special Town Meeting, which meeting may be adjourned from time to time as the interest of the Town requires. At said Special Town Meeting, the only matters that may be considered shall be those matters set forth in said petition.

B. Any ordinance or resolution so proposed in such a petition shall be examined by the Town Attorney prior to submission to the Town Meeting; and prior to or at said Town Meeting, Town Attorney shall give his/her opinion, orally or in writing, with respect to the form of the proposal and its conformity to and relationship with existing constitution, statutes, special acts, ordinances and regulations.

C. A petition for referendum shall be in accordance with the General Statutes and must also meet the requirements of Section 10-5 above the requirement of two hundred signatures of qualified electors of the Town.

Section 10-6 Annual Budget-Referendum

There shall be an Annual Budget Referendum as is provided in Section 8-5 of this Charter.

Section 10-7 Organization and Procedure of Town Meetings

A. The First Selectman shall call the meeting to order and the meeting shall choose a moderator. All business shall be conducted as provided by the General Statutes.

B. The Town Clerk shall serve as Clerk of all Town Meetings, but in the absence of the Town Clerk, an acting clerk may be chosen by the meeting.

C. All action at a Town Meeting shall be adopted by a majority vote of the qualified resident electors present and voting at the meeting, unless otherwise provided by this Charter.

Section 10-8 Actions Requiring a Town Meeting

A. Any resolution making an appropriation of more than twenty thousand dollars (\$20,000) not included in the Annual Budget.

B. Any resolution authorizing the issuance of notes, other borrowing or issuance of bonds up to One Million Dollars (\$1,000,000). Amounts in excess of One Million Dollars (\$1,000,000) will require a referendum,

- C. Any sale of real estate or any interest herein of the Town, except property acquired by tax or other foreclosure, and any purchase of real estate or interest therein.
- D. Real estate leases and/or real estate lease options to which the Town is a party for terms in excess of three years.
- E. The discontinuance or abandonment of Town roads, the establishment of Town roads and the acceptance as Town roads of existing or proposed roads.
- F. Initial applications for federal or state grants involving the expenditure of Town funds.
- G. The Town Meeting shall have the sole power to enact and repeal ordinances consistent with this Charter and the General Statutes.
- H. In addition to all the matters requiring Town Meeting approval, the Board of Selectmen may bring before a Town Meeting, including a Special Town Meeting, for its consideration any other matter the Board of Selectmen considers of sufficient importance to warrant a Town Meeting.
- I. The Town Meeting shall not act upon any appropriation which has not been recommended or referred to the Town Meeting by the Board of Selectmen.

CHAPTER XI - CONFLICT OF INTEREST

Section 11-1 General

If any elected or appointed Town officer, official or employee may obtain financial gain, directly or indirectly, from any contract, any transaction, or decision of any board, commission or similar body of the Town to which he or she is a part, said individual must make a disclosure.

Section 11-2 Disclosure

If any elected or appointed Town officer, official or employee anticipates that a conflict of interest as defined under Section 11-1 of this Charter might exist, or could develop, from any action said individual may take in the exercise of his or her duties, or from any influence which might be derived from his or her position, said individual shall disqualify themselves.

Section 11-3 Remedial Action for Violation of this Chapter

- A. Any elected or appointed Town officer, official or employee may be subject to referral to the Town's Ethic's Commission for any perceived or actual violation of this Chapter XI.
- B. Any elected or appointed Town officer, official or employee may be censured or removed from his/her position by a majority vote of the Board of Selectmen if the Ethic's Commission determines that he/she violated this Chapter XI.

CHAPTER XII - MISCELLANEOUS PROVISIONS

Section 12-1 Transfer of Powers

- A. At the time this Charter shall take effect, if any office, board, commission or similar body is abolished by this Charter or superseded by the creation herein of a new commission, board, similar body or office to which are granted similar powers and jurisdiction, those powers shall be thereafter exercised and discharged by the commission, board or similar body, or office upon which are imposed corresponding or like functions, powers and duties under provisions of this Charter.
- B. All commissions, boards, similar bodies or office abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such commissions, boards, similar bodies or offices and the performance of their duties by other commissions, boards, similar bodies or offices created under this Charter and until the Town Clerk shall have notified the members of such commissions, boards, similar bodies or offices as are abolished by this Charter that their successors have qualified.
- C. The Town of East Windsor Ordinance establishing the Board of Police Commissioners of the Town of East Windsor adopted by a Special Town Meeting, duly warned and convened on June 21, 1971, is hereby repealed and the Board of Police Commissioners of the Town of East Windsor is hereby dissolved. All powers, duties, responsibilities and obligations of the former Board of Police Commissioners of the Town of East Windsor are hereby transferred to the Board of Selectmen.

D. The Powers of the former Police Commission and Board of Finance shall vest immediately in the Board of Selectmen upon the approval of this Charter by the electorate.

E. All records, property and equipment whatsoever of any commission, board or similar body or office or part thereof, whose powers and duties are assigned to another commission, board, similar body or office by this Charter, shall be transferred and delivered intact forthwith to the commission, board, similar body or office to which such powers and duties are so assigned.

Section 12-2 Transfer of Records and Property

If part of the powers and duties of any commission, board, similar body or office by this Charter are assigned to another commission, board, similar body or office, all records, property and equipment relating thereto shall be transferred and delivered intact, in accordance with the General Statutes, forthwith to the commission, board, similar body or office to which such powers and duties are so assigned.

Section 12-3 Status of Employees

All employees of the Town on the effective date of this Charter shall retain such positions, pending action by the appropriate person or agency charged by this Charter with powers of appointment or removal of said employees. Any provisions in force at the time of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department, or agency thereof, shall continue in effect, unless and until amended or repealed in accordance with the provisions of this Charter.

Section 12-4 Continuation of Appropriations and Town Funds

All appropriations approved and in force and all funds, including special or reserve funds in the name of the Town, and funds appropriated to any abolished agencies herein, at the time of the adoption of this Charter, shall remain in full force and effect unless and until the same shall be

amended, transferred or abolished by the Board of Selectmen under the provisions of this Charter.

Section 12-5 Legal Proceedings

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

Section 12-6 Existing Laws and Ordinances

- A. On and after the effective date of this Charter, all general laws and special acts of the State of Connecticut applying to the Town, all ordinances and bylaws of the Town, and all rules and regulations of commissions, boards and similar bodies of the Town not inconsistent with the provisions of this Charter or repealed thereby, shall be and shall continue to remain in full force and effect unless and until repealed or amended.
- B. Referenced ordinances shall be compiled as set forth in the General Statutes.

Section 12-7 Review and Amendment of Charter

This Charter may be amended in the manner prescribed by the General Statutes. The Board of Selectmen shall review this Charter from time to time as it deems to be in the best interest of the Town, but not less than once every five years, said review to be published as part of the Annual Town Report. The Board of Selectmen shall appoint a commission not later than five years from the effective date of this Charter, to review, amend or revise said Charter, in the manner prescribed by the General Statutes.

Section 12-8 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 the Home Rule Law, and any other statute now in effect or hereafter enacted, and any other home rule powers thereof under the Constitution of the State of Connecticut, under the common law or otherwise. Said Charter to be construed as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.

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

Section 12-9 Usage

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

Section 12-10 Reference to the General Statutes, Special Acts, and Ordinances

All references to the General Statutes made herein are to the General Statutes of Connecticut, and all references to said General Statutes or to the Special Acts or Special Laws of the State of Connecticut, and to the ordinances, regulations and bylaws of the Town of East Windsor are to them as they exist on the effective date of this Charter, as the same may be amended from time to time.

Section 12-11 Effective Date

The revised Charter will become effective upon the approval of a majority of the Town electors in accordance with the provisions of Chapter 99 of the General Statutes, as

amended, except that all elected officials serving a specific term shall serve until the expiration of their elected terms, with all of their powers and duties unchanged during said term.]