TOWN OF ELLINGTON
CHARTER REVISION COMMISSION
FINAL REPORT
APRIL 25, 2016

Ellen O'Shaughnessy, Chairman
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PREFACE TO THE RECOMMENDATIONS:

The Charter Revision Commission (CRC) was established by the Board of Selectmen at their meeting on December 15th, 2014. Our primary mandate was (1) to review the existing Town Charter, gather input and make recommendations regarding changes to the document, and (2), to study the pros and cons of our present form of government and make recommendations regarding possible changes to that form. Options to consider included Mayor/Council, Council/Manager, Council/Administrator, Representative Town Meeting, and their hybrids.

In accordance with the framework regarding Charter revision in the General Statutes of the State of Connecticut, the Commission held monthly meetings that were open to the public, convened two Special Public Hearings, wrote several articles for publication in newspapers and the Town Bulletin, and interviewed Town Officials both past and present in an effort to make the revision process as transparent as possible.

In developing its recommendations, the Commission was guided by two general principles, the first of which was our collective belief regarding what was best for the entire town, without regard to any political party or special interest. Second, we sought to preserve the basic structure of the Town government if possible, while at the same time looking at ways in which the structure could be improved and/or simplified.

The first meeting of the Commission was scheduled for January 28, 2015, but because not all members were present, it was decided to reschedule to a Special Meeting on February 10, 2015, which became the organizational meeting for the CRC. At that meeting the Chairman and Vice Chairman were elected, and a meeting schedule was established. The first Public Hearing to solicit input regarding suggestions for changes was scheduled for March 31, 2015, and requests were sent to Town Board, Agency and Commission Chairs and Department Heads requesting input as well. At the Public Meeting suggestions were presented in both written and oral formats, and all were recorded for consideration. Suggestions sent to the Commission from Town Officials were also recorded and considered. Additionally, there were a series of suggestions that had been put forth too late to be considered when the last Charter Revision Commission had been working, which were also considered. Substantive work on revisions began at the April 8th meeting, in accordance with State Statutes.

It quickly became apparent that, if the Commission were to recommend any changes to the basic form of government, that is, the Board of Selectmen/Town Meeting form of government, there had to be extensive study into types of government in general, with an emphasis on how each would work, and how beneficial the changes would be that would have to be made. Therefore, the majority of meetings were concerned with developing this knowledge. To that end, the Commission interviewed many guest speakers, including present and past Ellington First Selectmen, Board of Selectmen members, and officials from other towns with different forms of government. We further studied books and manuals on the subject, including the *Local Government in Connecticut* handbook, among others, and conducted phone interviews with officials from other towns who could not be present for meetings. Finally, we went back into minutes of previous Charter Revision Commissions to determine what recommendations, if any, they had suggested, and found that as far back as 1993 recommendations had been made to revise the form of government. After consideration of the present political and economic climate in Connecticut and in the country, in addition to the pros and cons of the several other government formats mentioned above, we decided that Ellington would

benefit most by maintaining the existing Board of Selectmen/Town Meeting form of government, but adding a hired managerial professional, referred to in our report as a Town Manager, to be the Chief Executive Officer of the Town, while continuing to have the First Selectmen be the Chief Elected Officer. We also carefully considered the suggestions made by townspeople both inside and outside of the local government regarding changes to other sections of the present Charter, and are recommending that several of those changes be made as well. We further put forth a recommendation that the grammar in the Charter be reviewed and corrected where necessary, as noted by Leo Miller, a member of the Board of Selectmen. Our Secretary, Mr. Joe Tarzi, has completed that revision, which we approved, and the grammar corrections can be found later in this document.

By State Statute, the CRC is required to make its final Draft Report no later than 16 months after inception. Unfortunately, we have run out of time and this report is incomplete, as it does not include all the actual language changes to the present Town Charter that would have to be made in order for the recommended revisions to be voted on at a referendum. We further understand that the Town Attorney also has to review the recommended changes to make sure that they are in keeping with Connecticut State Requirements, and there was no time for that, either. The CRC therefore respectfully requests that the Board of Selectmen consider granting an extension to the CRC of an additional one to two months so that a more thorough and informative presentation can be made. If this is not possible, then we request that you consider re-establishing this Commission with the same members, and task us with completing the required written revision in the correct format. A third possibility would be to appoint an Ad Hoc Committee of two or three people from the CRC to complete this task. Alternately, we will accept any other recommendation the Board of Selectmen wish to put forth. We want to complete our mission in the most efficient way possible, with the least amount of complications, and will look to the Board of Selectmen to determine the best way to proceed.

Respectfully Submitted,

Ellen O'Shaughnessy, Chairman
Ellington Charter Revision Commission
April 25, 2016

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Proposed Charter Revision Ballot Questions

Questions as they will appear on the ballot are in bold italic; following each question is an explanation. Changes are in italic.

1. ***Shall vacancies of elective offices filled by Board of Selectman appointment serve until the end of the term in which the vacancy occurred?***

Currently appointees to vacancies of elective offices other than the Board of Education serve until the First Monday of December following the next regular election.

Change to: SECTION 205. VACANCIES-ELECTIVE OFFICERS: (a) Unless otherwise provided by law, any vacancy, in any elective town office, including the Board of Education, but excluding the First Selectman, shall be filled within forty-five (45) days of such vacancy by appointment of the Board of Selectmen, *to serve until the end of the term.*, ~~*except that appointments to the Board of Education shall serve until the next regular election, as defined in Section 9-1 of the General Statutes, as amended.*~~

2. ***Shall the Board of Library Directors be renamed to the Library Board of Trustees?***

Currently the ruling body of the Hall Memorial Library is known as the Board of Library Directors.

Change to: SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION: (d) Three (3) members of the *Library Board of Trustees*, each of whom shall serve for terms of four (4) years, and who shall succeed those members of said board whose terms then expire, so that the *Library Board of Trustees* shall continue to consist of six (6) members, each of whom shall be elected for a term of four (4) years.

3. ***Shall the regular members of the Zoning Board of Appeals be prohibited from serving on the Planning and Zoning Commission?***

Per State Statutes, Section 8-5, Regular members of the Zoning Board of Appeals shall be prohibited from serving on the Planning and Zoning Commission.

Change to: SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION: (g) The Zoning Board of Appeals shall consist of five (5) members; said members shall be elected to staggered terms of four (4) years; *said members shall be prohibited from serving on the Planning and Zoning Commission.*

4. ***Shall the provision that a special town referendum needs a majority equal to fifteen (15) percent of the qualified electors of the town in order to overrule the action of a town meeting be repealed?***

Currently in order for a special town referendum to overrule the action of a town meeting a majority equal to fifteen (15) percent of the qualified electors of the town is required.

Change to: SECTION 605. POWER TO OVERRULE – TOWN MEETING ACTIONS: [...] Any action so referred shall take effect upon the conclusion of such referendum, unless a majority of those persons voting thereon, ~~*such majority being equal to at least fifteen (15) percent of the qualified electors of the town, as*~~

~~*determined from the latest official lists of the Registrars of Voters,*~~ shall have voted in favor of overruling such action. To the extent permitted by law, the aforementioned provision are intended to supersede the applicable portions of Section 7-7 of the General Statutes, as amended.

5. ***Shall the alternate members of the Zoning Board of Appeals be prohibited from serving on the Planning and Zoning Commission?***

Per State Statute, Section 8-5, Alternate Members of the Zoning Board of Appeals shall be prohibited from serving on the Planning and Zoning Commission.

Change to: SECTION 820. ZONING BOARD OF APPEALS – ALTERNATES: The Board of Selectmen shall appoint three (3) alternate members to the Zoning Board of Appeals who shall serve for a term of two (2) years; *said members shall be prohibited from serving on the Planning and Zoning Commission.*

6. ***Shall the section creating the Senior Center Endowment Fund Committee be repealed?***

Currently the Senior Center Endowment Fund Committee has served its purpose.

Change to: ~~*SECTION 823: SENIOR CENTER ENDOWMENT FUND COMMITTEE: The Board of Selectmen shall appoint, in accordance with the provisions of Section 802 of this Charter, a Senior Center Endowment Fund Committee consisting of three (3) members to serve staggered terms of three (3) years. The members of the committee shall be Ellington residents and all three members shall be sixty-two (62) years of age or older.*~~

7. ***Shall a section be created adding a permanent Design Review Board?***

Currently the Design Review Board is an ad-hoc board. This change will add Section 827 and amend Section 922.

Add: *SECTION 827. DESIGN REVIEW BOARD: The Board of Selectmen shall appoint a Design Review Board consisting of five (5) members, said members to serve for terms of four (4) years.*

Change to: SECTION 922. TOWN PLANNER: [...] (b) Serve as technical advisor, administrative officer to the Planning and Zoning Commission, Zoning Board of Appeals, Inland Wetlands Agency, Conservation Commission, *Design Review Board,* and the Economic Development Commission, assisting such commissions in the discharge of their statutory duties; act as Zoning Enforcement and Wetlands Officer as necessary; [...]

8. ***Shall a section be created adding a permanent Patriotic Committee?***

Currently the Patriotic Committee is an ad-hoc committee. This change will add Section 828.

Add: *SECTION 828. PATRIOTIC COMMITTEE: The Board of Selectmen shall appoint a Patriotic Committee consisting of five (5) members, said members to serve for terms of four (4) years.*

9. ***Shall the wording of Section 917 be amended to strike language that the Board of Selectmen is to appoint a Fire Marshal within 30 days?***

Currently the incoming Board of Selectmen has thirty (30) days to appoint a Fire Marshal.

Change to: SECTION 917. FIRE MARSHAL: The Board of Selectmen shall appoint ~~*not later than thirty (30) days after the commencement of their first term of office under the provisions of this Charter,*~~ a Fire Marshal and such deputies as may be required. Said Fire Marshal and such deputies shall serve an indefinite term. The respective fire departments may offer advisory recommendations for consideration by the Board of Selectmen for any such appointments. Said Fire Marshal shall have all the powers and duties not inconsistent with the provisions of this Charter, conferred or imposed by the General Statutes on such *officers* and such powers and duties as may be prescribed by the Board of Selectmen.

10. Shall language be added allowing the Fire Marshal to appoint and remove deputies, assistants, and employees in his or her office?

Currently the Fire Marshal does not have the power by Charter to appoint and remove deputies, assistants, and employees in his or her office.

Change to: SECTION 917. FIRE MARSHAL: The Board of Selectmen shall appoint not later than thirty (30) days after the commencement of their first term of office under the provisions of this Charter, a Fire Marshal and such deputies as may be required. Said Fire Marshal and such deputies shall serve an indefinite term. The respective fire departments may offer advisory recommendations for consideration by the Board of Selectmen for any such appointments. Said Fire Marshal shall have all the powers and duties not inconsistent with the provisions of this Charter, conferred or imposed by the General Statutes on such *officers* and such powers and duties as may be prescribed by the Board of Selectmen. *Said Fire Marshal may appoint and remove deputies, assistants, and employees in his or her office, subject to the approval of the Board of Selectmen and subject to rules and regulations concerning Town employees as may be adopted by the Board of Selectmen.*

11. Shall the minimum monetary amount that would require competitive bidding be increased from $7,500 to $25,000?

Per Competitive Bidding Ordinance, Chapter 28 and State Statutes 7-148v, the minimum monetary amount that would require competitive bidding is set at $25,000.

Change to: SECTION 1011. PURCHASING: Purchases for the Town of Ellington, except the Board of Education and the Probate Court, shall be made under such rules and regulations as may be established by the Board of Selectmen. For any purchase estimated at *twenty five thousand dollars ($25,000)* or more, the Finance Officer shall invite sealed bids unless the Board of Selectmen shall decide it to be against the best interest of the town. The Finance Officer shall provide a minimum of ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the town. The Finance Officer shall, with the approval of the requesting board, commission, committee, or department, award the purchase or contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals. All such sealed bids or proposals shall be opened publicly. For any purchase less than *twenty five thousand dollars ($25,000)*, or such other amount required by law, the Finance Officer or his designee shall negotiate directly with prospective suppliers prior to the Finance Officer awarding the contract.

12. Shall the Charter be amended to allow the Board of Selectmen to appoint a Town Manager?

Currently there is no Town Manager in Ellington. This change will amend Section 901 and add Section 924.

Change to: SECTION 901. OFFICERS AND DEPARTMENTS: There shall be the following ~~*administrative*~~ officers and departments for the town: *Town Manager;* Town Clerk; Finance Officer; Tax Collector; Assessor; Director of Emergency Management; Director of Public Works; Building Official; Town Engineer; Town Attorney; Constables; Director of Health; Director of Recreation; Fire Marshal; Animal Control Officer; Director of Human Services; and Town Planner. The Board of Selectmen may recommend to the town meeting pursuant to the provisions of Section 603 of this Charter the creation of such additional or the elimination of such existing administrative offices and departments as it from time to time may deem appropriate and necessary to the best interest of the town. All administrative officers and department heads and their deputies and assistants shall receive compensation fixed by the Board of Selectmen; provided, however, no compensation shall be based upon any fees collected by them and all such fees collected by them shall be paid to the town treasury.

Add: *SECTION 924. TOWN MANAGER:*

The Board of Selectmen shall appoint, and may remove, a Town Manager who shall be the Chief Executive Officer of the Town, and who shall be hired exclusively on the basis of his or her professional qualifications and experience. Said Town Manager shall be responsible to the Board of Selectmen for the administration of all departments and agencies of the Town government except the local Board of Education and Town Agencies whose head or whose members are elected by popular vote. He or she shall have the right to attend all public meetings of the Board of Selectmen with full right to participate in all discussions, but without the right to vote. Said Town Manager may appoint and may remove, subject to the approval of the Board of Selectmen and pursuant to the provisions of Chapter IX of this Charter, all deputies, assistants or employees in his or her office.

Except as otherwise provided by this Charter, or as may be expressly reserved as a duty, power or responsibility of the First Selectman in this Charter, the Town Manager shall have all the duties, powers and responsibilities conferred by law, and all of the powers necessary or incidental to the discharge of his duties as set forth below:

(a) He or she shall be responsible for coordinating the administration and operation of the departments, offices and agencies of the Town, including all Town employees as provided in Section 901 of this Charter, except those Town agencies with heads or members of which are elected by popular vote, given that the administration and operation of such agencies shall be the responsibility of the Board of Selectmen;

(b) He or she shall be responsible for carrying out the ordinances, resolutions, policies , and other actions of the Board of Selectmen and of the Town Meeting;

(c) He or she shall act as the Purchasing Agent of the Town, subject to such rules and regulations as shall be prescribed by the Board of Selectmen, and shall purchase or cause to be purchased, all supplies, materials, equipment and other commodities required by any office or agency of the Town, including the Board of Education, to the extent that the Board of Education shall authorize him or her to do so;

(d) He or she shall keep full and complete records of the activities of his or her office and shall make reports to the Board of Selectmen on a regular basis regarding the conditions and affairs of the Town, and shall be responsible for preparing the Annual Report;

(e) He or she shall keep the Board of Selectmen fully advised as to the financial condition of the Town, and with the Finance Officer, shall prepare and submit to the Board of Selectmen an annual budget of the Town;

(f) He or she shall regularly inform the Board of State of Connecticut and federal grant programs for which the Town may be eligible, and shall coordinate with the heads or directors of the Town departments and agencies any and all applications seeking such programs and implement same;

(g) He or she may recommend to the Board of Selectmen such measures as shall be deemed necessary or expedient;

(h) He or she shall exercise such other powers and duties as may be imposed by the Board of Selectmen.

13. ***Shall the Charter be amended to include corrections to spelling, syntax, punctuation, capitalization, and grammar that do not affect the meaning of the Charter?***

For a detailed list of proposed changes see the document entitled Ellington.Charter.Edited.

TOWN OF ELLINGTON CHARTER

CHAPTER I. INCORPORATION AND GENERAL POWERS

SECTION 101. INCORPORATION

All the inhabitants dwelling within the territorial limits of the Town of Ellington, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Ellington," 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 ~~c~~Charter[JT1], the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the general laws of the State of Connecticut.

SECTION 102. RIGHTS AND OBLIGATIONS

All property, both real and personal, all rights of action and rights of every description and all securities and liens in said town as of the effective date of the C~~c~~harter are continued. Nothing herein shall be construed to affect the rights of said town to collect any assessment, charge, debt, or lien. The town shall continue to be liable for its debts and obligations. If any contract has been entered into by said town prior to the effective date of this ~~c~~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 office or agency therein named which is hereby abolished or superseded by the creation herein of a new commission, board 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 such office or agency shall, except as otherwise provided in this ~~c~~Charter, thereafter be exercised and discharged by the chief executive officer of said town.

SECTION 103. GENERAL GRANT OF POWERS

In addition to all powers granted to towns under the Constitution and General Statutes of the State of Connecticut, or which may hereafter be conferred, the town shall have all powers specifically granted by this ~~c~~Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Section 7-194 of the General Statutes, as amended, and by special acts of the General Assembly, not inconsistent with this ~~charter~~Charter, and all other powers incident to the management of the property, government[JT2], and affairs of the town, including the power to enter into contracts with the United States Government or any branch thereof, or any other body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this C~~c~~harter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

CHAPTER II. ELECTIONS

SECTION 201. GENERAL

(a) Nomination and election of federal and state officers and of such elected town officers, boards, and commissions as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefore, in the manner prescribed in the Constitution and the General Statutes of the State of Connecticut.

(b) A meeting of the electors of the Town of Ellington for the election of municipal officers shall be held on the 8th day of November 1977 and biennially thereafter on the first Tuesday after the first Monday of November.

SECTION 202. ELIGIBILITY

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

SECTION 203. MINORITY REPRESENTATION

Minority representation on any elective board, commission, committee or similar body of the town, shall be determined in accordance with the provisions of Section 9-167a of the General Statutes, as amended.

SECTION 204. BREAKING A TIE

When any regular or special municipal election, primary election, or referendum conducted pursuant to the provisions of this charterCharter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine who shall be elected, or in the case of a question at referendum whether it shall be accepted or rejected. This provision shall not apply to questions at referendum which, under the provisions of this charterCharter or of the General Statutes, require more than a simple majority of electors voting in favor of such questions.

SECTION 205. VACANCIES--ELECTIVE OFFICES

(a) Unless otherwise provided by law, any vacancy, in any elective town office, including the Board of Education, but excluding the First Selectman, shall be filled within forty-five (45) days of such vacancy by appointment of the Board of Selectmen, to serve until the first Monday of December following the next regular election, except that appointments to the Board of Education shall serve until the next regular election, as defined in Section 9-1 of the General Statutes, as amended. [AMENDED 11/5/02]

(b) If a vacancy shall occur in the office of First Selectman, the duly elected Deputy First Selectman shall serve as acting First Selectman, receiving appropriate compensation. The Board of Selectmen will call for a special election to be held within sixty (60) days of this vacancy. Should said vacancy occur less than one hundred and sixty-one (161) days before the end of the term, the Deputy First Selectman shall complete the term, and no special election will be held. The ensuing vacancy on the Board of Selectmen shall be filled pursuant to subsection (a) of this section.

(c) Any such vacancy, except for the First Selectman, shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with or endorsed by a political party, or by the appointment of an unaffiliated member if the office is vacated by an unaffiliated member. (Section 9-167a [Section g] of General Statutes, as amended.)

(d) Except as otherwise provided in this Ccharter, if there shall be a regular election as defined in Section 9-1 of the General Statutes, as amended, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled by appointment until said election as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term with such person to take office on the first Monday in December following the election, except that election of a person to the Board of Education who shall begin the day of election. [AMENDED 11/6/07]

SECTION 206. BOARD OF ADMISSION OF ELECTORS

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

SECTION 207. VOTING DISTRICTS

Unless otherwise established by ordinance, there shall be two (2) voting districts in the town.

CHAPTER III. ELECTED OFFICERS

SECTION 301. GENERAL POWERS AND DUTIES

Except as otherwise provided by this Charter, all elected town officers, elected boards, and commissions, including the Board of Education shall have only the powers and duties as provided by the General Statutes.

SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION

At a meeting of the electors of the Town of Ellington to be held on the third day of November, 1987, and biennially on the first Tuesday after the first Monday of November thereafter, there shall be elected the following officers:

(a) A First Selectman. The votes cast for the unsuccessful candidate for First Selectman shall be counted for ~~him~~ him or her [JT3] ~~a~~as a member of the Board of Selectmen;~~.~~

(b) Six (6) members of the Board of Selectmen, in accordance with the applicable provisions of Sections 7-193 and 9-188 of the General Statutes, as amended;

(c) Five (5) members of the Board of Education, in accordance with the provisions of Section 9-204 of the General Statutes, as amended, to serve for a term of four (4) years;~~.~~

(d) Three (3) members of the Board of Library Directors, each of whom shall serve for a term of four (4) years, and who shall succeed those members of said board whose terms then expire, so that the Board of Library Directors shall continue to consist of six (6) members, each of whom shall be elected for a term of four (4) years;~~.~~ [AMENDED 11/5/02, 11/6/07]

(e) Three (3) members of the Board of Finance, each of whom shall serve for terms of four (4) years and who shall succeed those members of said board whose terms then expire so that the Board of Finance shall continue to consist of six (6) members, each of whom shall be elected for a term of four (4) years;~~.~~

(f) The Planning & Zoning Commission shall consist of seven (7) members; said members shall be elected to staggered terms of four (4) years;~~.~~ [AMENDED 11/6/07]

(g) The Zoning Board of Appeals shall consist of five (5) members; said members shall be elected to staggered terms of four (4) years. [AMENDED 11/6/07]

That number of persons sufficient to fill the offices to be elected who have the highest number of votes shall be elected subject to Section 203 of this Charter. The terms of office of all elected town officers, members of the town boards, and commissions, shall commence on the first Monday in December following their election; provided, however, that the terms of office of members of the Board of Education shall commence on the date of their election.

SECTION 303. ELECTION AND TERMS OF OFFICE: STATE ELECTIONS

At the state election to be held on the seventh day of November, 1978, and quadrennially on the first Tuesday after the first Monday of November thereafter, there shall be elected the following officers to serve for terms of four (4) years each:

(a) Two (2) Registrars of Voters, in accordance with Section 9-189a and 9-190 of the General Statutes, as amended, and;

(b) A Judge of Probate for the probate district of Ellington, in accordance with Article 5, Section 4 of the Constitution of the State of Connecticut.

CHAPTER IV. BOARD OF EDUCATION

SECTION 401. GENERAL

The Board of Education shall consist of ten (10) members who shall be elected and hold office as provided in Chapter III of this Charter. The Board of Education shall perform such duties and have such powers as are or may be imposed or vested by the General Statutes upon boards of education in the several towns, and shall perform all acts required of said boards by the town or necessary to carry into effect the powers and duties imposed upon said board by law.

CHAPTER V. BOARD OF SELECTMEN

SECTION 501. GENERAL

There shall be a Board of Selectmen consisting of the First Selectman and six (6) others, hereinafter referred to as the Board of Selectmen, who shall be elected at each biennial election of the town. With the exception of the First Selectman, the Board of Selectmen shall serve without compensation except for reimbursement of actual expenses incurred in the performance of official duties, as authorized by said Board of Selectmen. The First Selectman may appoint members of the Board of Selectmen to serve as ex-officio, non-voting members of the several regular and special town boards, commissions, and agencies. Notification of any such appointment shall be filed in writing with any such board, commission or agency. Said ex-officio members shall be given reasonable notice to all meetings of the several regular and special town boards, commissions, and agencies by their chairmen or secretaries. No member of the Board of Selectmen, including the First Selectman, during the term of office for which elected and for one (1) year thereafter, shall be eligible for appointment to any salaried office or position of profit with the town.

SECTION 502. PRESIDING OFFICER AND ORGANIZATION

With the First Selectman presiding, the Board of Selectmen shall meet on the first Monday in December 1993 and biennially thereafter on the first Monday in December for purposes of organization. At said organizational meeting the Board of Selectmen shall elect, from among their own members, a Deputy First Selectman~~,~~ who shall serve as acting First Selectman in accordance with the provisions of Section 703 of this Charter. The First Selectman shall preside over all meetings of the Board of Selectmen and perform such other duties consistent with his office as may be imposed by the Board of Selectmen. The Board of Selectmen may, at least once a year, call a general meeting of the chairmen of all town boards, agencies, ~~and~~ commissions, and all other town officers. The purpose of these meetings shall be to coordinate the activities of all town officers, boards, agencies and commissions. At these meetings the chairmen of the various boards, agencies, and commissions, and town officers~~,~~ shall present a report of the activities of their board, agency, commission, or office. [AMENDED 11/5/02]

SECTION 503. PROCEDURE

At the first meeting of the Board of Selectmen following each biennial town election said Board of Selectmen shall fix the time and place of their regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-21 of the General Statutes, as amended. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All 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 to the Board of Selectmen with suggestions, petitions, and complaints. The votes of all meetings shall be recorded as prescribed by Section 1-21 of the General Statutes, as amended. Four (4) 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. -The Board of Selectmen shall appoint a qualified person who is not a member of the Board of Selectmen to serve as secretary of said board. Said secretary shall keep a public record of all proceedings of the Board of Selectmen, including all roll call votes, which shall be the official record of its proceedings. The record so kept shall be authenticated for each meeting by the signature of either the First Selectman or the Deputy First Selectman and said public record shall be kept in the office of the Board of Selectmen. The Board of Selectmen shall appoint an Auditing Committee consisting of not less than three (3) of their members whose duty it shall be to oversee and review all claims and charges against the town except those incurred by the Board of Education.

SECTION 504. GENERAL POWERS AND DUTIES

Except as otherwise specifically provided in this ~~c~~Charter, the Board of Selectmen shall have the powers and duties conferred by the ~~c~~Constitution and general laws of the state. The Board of Selectmen may recommend to the town meeting the creation, consolidation, or abolition of boards, commissions, departments, and offices and may recommend to a special town meeting the adoption of a proposed ordinance or the repeal of an existing ordinance. The Board of Selectmen may appoint, by resolution, special and temporary boards, commissions, and committees as it may deem necessary and appropriate; said special and temporary boards, commissions and committees shall terminate not later than one (1) year after their creation. Except as otherwise provided in this C~~c~~harter, the Board of Selectmen may contract for services (Section 7-194 of the General Statutes, as amended). Said Board of Selectmen may regulate the internal operation of boards, commissions, and offices, which it fills by appointment, provided such regulatory resolutions are in accordance with the state statutes, including prescribing the manner in which minutes are filed, and notices of meetings and agendas are published. Said Board of Selectmen may fix the charges to be made for services rendered by the town. Said Board of Selectmen shall make all rules and regulations relating to purchasing and bidding procedures. Said Board of Selectmen shall present to the Board of Finance a program concerning municipal improvements of proposed capital projects for the ensuing fiscal year and for five (5) fiscal years thereafter. Estimates of the costs of such projects shall be submitted to the Board of Selectmen by each department, office, and agency annually by December 1, in the manner prescribed by the Board of Selectmen. No later than the last Tuesday in February in each year~~,~~ the Board of Selectmen shall recommend at a Board of Finance Meeting those projects to be undertaken during the ensuing fiscal year and a method of financing the same. The Board of Selectmen shall have the authority to accept, on behalf of the town, deeds conveying to the town interests in real estate for which the town pays consideration less than $40,000.00, deeds for roads which have been approved by the Planning and Zoning Commission as part of a subdivision plan, and may accept and grant deeds for the purpose of establishing accurate road boundary lines or for the realignment of existing town roads. The Board of Selectmen shall determine and set all policies of the operation of the t~~T~~own [JT4] not specifically granted to another b~~B~~oard or c~~C~~ommission by statute or this C~~c~~harter and shall develop and shall annually review and modify as needed, goals to be accomplished over the next five (5) years. [AMENDED 11/5/02; 11/6/07]

SECTION 505. PUBLIC HEARING ON AND PUBLICATION OF ORDINANCES

Except as otherwise specifically provided in this C~~c~~harter, no ordinance shall be acted upon by the Board of Selectmen pursuant to the provisions of this chapter, or by the town meeting pursuant to the provisions of Chapter VI of this C~~c~~harter, until and unless one public hearing on such ordinance shall have been held by said Board of Selectmen. Notice of such public hearing shall be given at least seven (7) days in advance by publication in a newspaper having general circulation in said town~~,~~ and by posting a notice in a public place. Copies of such proposed ordinance shall be made available for public inspection at the Town Clerk's office at least seven (7) days in advance of said public hearing. If substantive changes, as determined by the Town Attorney, are made in any such proposed ordinance subsequent to the public hearing required under the provisions of this section, a second public hearing shall be held on such proposed ordinance prior to final action by the town meeting. Every ordinance, after passage, shall be filed with the Town Clerk, and recorded, compiled, and published by him or her as required by law. Within ten (10) days after final passage~~,~~ the Town Clerk shall publish a legal notice in a newspaper, having general circulation within the town, announcing that the ordinance passed and that a copy of the full text is on file in the Town Clerk's o~~O~~ffice [JT5]. Each ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its passage. [AMENDED 11/5/02]

SECTION 506. EMERGENCY ORDINANCES

For the purpose of meeting a public emergency threatening the lives, health, or property of persons, the Board of Selectmen may enact emergency ordinances stating the facts constituting such public emergency which ordinances shall become effective immediately; and such ordinances shall be promulgated forthwith. 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 final passage of said ordinance, provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under Section 505 of this chapter prior to such sixty-first day, then such emergency ordinance shall remain in full force and effect until final action is taken on said permanent ordinance.

SECTION 507. INVESTIGATION

The Board of Selectmen shall, by a two-thirds vote of the members present, have the power to investigate any and all offices, boards, commissions, and agencies of the town and for such purposes shall have the power to call witnesses to appear before said board to testify and to furnish documentation on any matter under investigation.

SECTION 508. RELATIONS TO ADMINISTRATIVE SERVICES

No member of the Board of Selectmen, except the First Selectman, shall give orders, either publicly or privately, to any administrative officer or employee as defined by Sections 703 and 901 of this Ceharter, except that a properly constituted meeting of the Board of Selectmen may call before it any employee or officer for the purpose of information or investigation.

CHAPTER VI. THE TOWN MEETING

SECTION 601. GENERAL

The town meeting shall have authority for final approval of those actions of the town hereinafter enumerated, and when considering such actions said meeting shall be deemed to be the legislative body of the town. All persons deemed to be eligible to vote in town meetings as prescribed in Section 7-6 of the General Statutes, as amended, shall be eligible to vote in town meetings called pursuant to Section 602, 603 and 604 of this chapter and shall be eligible to vote in special referenda called pursuant to Section 605 of this chapter.

SECTION 602. ANNUAL TOWN BUDGET MEETING

The annual town budget meeting for the consideration of the budget shall be convened in accordance with the provisions of Section 1006 of this Ceharter and shall be held on the second Tuesday of May at such hour and at such place as the Board of Selectmen shall determine, and no other town agency, board, or commission shall meet on said day. The Board of Selectmen shall request the presence at such meeting of a representative of each board, agency, or commission submitting a budget request. If the vote on the annual town budget is adjourned to a referendum, all further votes of the annual town budget shall be by referendum every other week until final approval is given. [AMENDED 11/05/02; 11/6/07]

SECTION 603. SPECIAL TOWN MEETINGS

Special town meetings shall be called by the Board of Selectmen for consideration of the following actions:

(a) The issuance of bonds and all other forms of financing, the term of which is in excess of one (1) year;

(b) Any appropriation supplemental to those provided in the annual budget which increases total supplemental appropriations in the then current fiscal year to an aggregate amount in excess of one-half (1/2) of one (1) percent of the total annual budget;

(c) Real estate purchases by the town for a price in excess of $40,000.00;

(d) Sale of any town owned real property in excess of $40,000.00;

(e) The creation, consolidation or abolition of any permanent board, commission, department, or agency not otherwise provided for in this Ceharter;

(f) Real estate leases and/or lease options to which the town is a party which involve a term in excess of one (1) year;

(g) Proposals for municipal improvements disapproved by the town planning commission pursuant to the provisions of Section 8-24 of the General Statutes, as amended;

(h) Such other matters or proposals as may be required by the provisions of this eCharter, or as the Board of Selectmen, in their discretion, shall deem to be of sufficient importance to be submitted to a special town meeting, including recommendations by the Board of Selectmen for the adoption or repeal of any ordinances;

(i) Any appropriation from the fund authorized for capital and non-recurring expenses as set forth in Section 1005 of this Ceharter not included in the annual town budget;.

(j) Purchases that exceed $1,000,000 require a vote by referendum. [Amended 11/6/07]

SECTION 604. POWER OF INITIATIVE -- TOWN MEETING ACTIONS

The electors of the town shall have the power to: (1) propose ordinances; (2) propose the repeal of existing ordinances, and/or; (3) propose town meeting actions on those matters enumerated in Section 603 of this chapter; all in the following manner:

(a) A petition may be filed by any elector of the town with the Town Clerk and except as otherwise provided herein, such petition shall conform to the requirements of Sections 7-9 and 7-9a of the General Statutes, as amended;

(b) Said petition shall contain the full text of the proposal and/or ordinance and shall be signed in ink or indelible pencil by qualified electors of the town equal in number to at least five (5) percent of the total electors of the town as determined from the latest official lists of the Registrars of Voters;

(c) Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Section 7-9;

(d) The Town Clerk shall within ten (10) days after receipt of the last page of said petition, determine whether the petition and affidavits are sufficient as prescribed by law and if so, certify said petition to the Board of Selectmen;

(e) Within thirty (30) days of receipt of said petition, so certified, the Board of Selectmen shall hold a public hearing thereon in accordance with Section 505 of this Charter;

(f) Within thirty (30) days of said public hearing the Board of Selectmen shall call a special town meeting to take action on said petition;

(g) At said special town meeting a vote of majority of those electors voting thereat shall be necessary to approve such petition.

SECTION 605. POWER TO OVERRULE -- TOWN MEETING ACTIONS

All actions, including a negative action, of any town meeting shall be subject to overrule by a special town referendum in the following manner:

(a) If, within ten (10) days after such action of the town meeting, a petition conforming to the requirements of Section 7-9 and 7-9a of the General Statutes, as amended, and signed in ink or indelible pencil by qualified electors of the town equal in number to at least five (5) percent of the total electors of the town as determined from the latest official lists of the Registrars of Voters, is filed with the Town Clerk requesting its reference to the town voters at a special referendum, the effective date of such action, if an affirmative action, shall be suspended;

(b) Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Section 7-9;

(c) The Town Clerk shall within ten (10) days after receipt of the last page of said petition determine whether the petition and affidavits are sufficient as prescribed by law and if so, certify said petition to the Board of Selectmen;

(d) Within fifteen (15) days of receipt of said petition, so certified, the Board of Selectmen shall fix the time and place of said special referendum which shall be held not less than twenty (20) nor more than forty-five (45) days after the certification of said petition and notice thereof shall be given in the manner provided by law (in Section 7-3 of the General Statutes, as amended) for the calling of a town referendum.

Any action so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, such majority being equal to at least fifteen (15) percent of the qualified electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted in favor of overruling such action. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes, as amended.

SECTION 606. PROCEDURE

All town meetings shall be called in accordance with Section 7-3 of the General Statutes, as amended, by resolution of the Board of Selectmen fixing the time and place of said meeting, notice of which shall be given at least five (5) days in advance by publication in a newspaper, having general circulation in said town, and by posting a notice in a public place. All town meetings shall be called to order~~,~~ by the First Selectman or his representative. A Moderator shall be elected and all business shall be conducted in the manner now or hereafter provided by Chapter 90 of the General Statutes, as amended, except as otherwise provided in this C~~c~~harter. The Town Clerk shall serve as clerk of all town meetings but in his or her absence an Acting Town Clerk may be designated by the Moderator. Any town meeting may be recessed from time to time as the interests of the town may require~~,~~ and the Moderator may entertain a motion to recess such meeting. Town Meeting may be adjourned to a referendum as provided by section 7-7 of the General Statutes, as amended, if previously warned.

CHAPTER VII. THE FIRST SELECTMAN

SECTION 701. GENERAL

At each biennial town election a First Selectman shall be chosen by the electors of the town as provided in Chapter III of this Ceharter. The First Selectman shall be the chief executive and chief administrative officer of the town and shall receive such compensation as shall be recommended by the Board of Selectmen and approved in the annual budget. Said First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of said board. The First Selectman, or another Selectman designated by the First Selectman shall be an ex-officio member of all other town boards, commissions, and agencies and shall receive such advance notification of any such meeting as is given to the members of said bodies. He or she shall have the full right of participation in discussions but shall not have the right to vote.

SECTION 702. DUTIES

The First Selectman shall be directly responsible to the Board of Selectmen for the administration of all departments, agencies, and officers in charge of persons or boards appointed by him or her and shall supervise and direct the same, and shall serve as Chief of Police until such time as the Board of Selectmen shall appoint a Chief of Police. He shall see that all laws and ordinances governing the town are faithfully executed. He shall make periodic reports to the Board of Selectmen on the conditions and affairs of the town. The First Selectman shall recommend to the Board of Selectmen such measures as he may deem necessary or expedient and shall keep the Board of Selectmen fully advised as to the financial condition of the town; and shall exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen not inconsistent with this Ceharter. The First Selectman shall have all the powers, duties and responsibilities conferred or imposed on that office and on the chief executive officers by the General Statutes, as amended, or by Special Act except insofar as the same are inconsistent with the provisions of the Ceharter. The First Selectman may, with the approval of the Board of Selectmen and subject to such other limitations as are contained in this Ceharter and in the General Statutes, enter into contracts or agreements with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, any person, or any other body politic or corporate. The Board of Selectmen shall not diminish by ordinance, vote, or otherwise the powers and duties imposed on him or her by said board under the provisions of this section.

SECTION 703. APPOINTMENTS AND TERMS

The First Selectman shall appoint and may remove, each such action with the approval of a majority of the entire Board of Selectmen, and in accordance with such provisions of the General Statutes as may apply to said appointments and removals, such administrative officers as are assigned to the Board of Selectmen for appointment by the several provisions of this Ceharter, and such other assistants or employees as may be required, subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter XI of this eCharter. The terms of all such administrative officers hereinafter named, except appointees serving indefinite terms, shall terminate on the same day as the term of the First Selectman provided such appointees shall continue to serve until their successors are appointed and qualified. The First Selectman may, subject to the approval of the Board of Selectmen, perform the duties of any officer under his jurisdiction provided~~, however~~ that he or she is, in the opinion of the Board of Selectmen, otherwise qualified to perform such duties.

SECTION 704. DEPUTY FIRST SELECTMAN

The Deputy First Selectman shall serve as Acting First Selectman in the event of the temporary absence or temporary disability of the First Selectman. The Deputy First Selectman as Acting First Selectman shall have all the powers of the First Selectman except powers of appointment. In the event the First Selectman is unable to serve for reasons of medical disability as determined by the remaining members of the Board of Selectmen, the Deputy First Selectman shall serve and in any such circumstance the Deputy First Selectman shall have all the powers of the First Selectman, including powers of appointment. [AMENDED 11/6/07]

CHAPTER VIII. APPOINTED BOARDS AND COMMISSIONS

SECTION 801. GENERAL

There shall be the following regular town boards and commissions appointed by the Board of Selectmen:

Board of Assessment Appeal
Building Code Board of Appeals
Conservation Commission
Cultural Arts Commission
Economic Development Commission
Ethics Commission
Flood and Erosion Control Board
Housing Authority
Human Services Commission
Inland Wetlands Agency
Insurance Advisory Board
Parks and Recreation Commission
Permanent Building Committee
Public Safety Commission
Senior Center Endowment Fund Committee
Shared Services Commission
Water Pollution Control Authority

Such permanent boards and commissions as may be created by the town meeting pursuant to Section 603 of this ~~c~~Charter, the members of which are by said vote to be appointed by the Board of Selectmen; and such special boards and commissions as may from time to time be created by the Board of Selectmen, in accordance with the provisions of Section 504 of this ~~charter~~Charter. All members of such boards and commissions shall serve without compensation, except for the reimbursement of necessary expenses, as authorized by the Board of Selectmen, or as otherwise provided by law, and until their successors have been appointed and qualified. Such boards and commissions shall, except as otherwise provided in this C~~c~~harter, have the powers and duties as are conferred or imposed by the General Statutes upon their respective offices. Such boards and commissions as are existing at the effective date of this C~~c~~harter and which are not abolished or merged with other boards and which are reestablished by the provisions herein, shall continue, and members of said boards shall fulfill their existing terms until such terms expire and new appointments are made in accordance with this ~~charter~~Charter. [AMENDED 11/5/02; 11/6/07]

SECTION 802. APPOINTMENT AND ELIGIBILITY

Minority representation on all town boards and commissions as are described in Section 801 of this C~~c~~harter shall be determined in accordance with the provisions of Section 9-167a of the General Statutes, as amended. All appointments shall be made by the Board of Selectmen, in the manner provided herein, as vacancies on boards and commissions are created by the expiration of a member's term of service. Each board or commission shall have all the powers and duties not inconsistent with this ~~c~~Charter, as are now or may hereafter be conferred or imposed upon such board or commission by the applicable provisions of the G~~g~~eneral S~~s~~tatutes, and such other duties as may be prescribed by the Board of Selectmen. The Board of Selectmen shall appoint, by an affirmative vote of not fewer than four (4) members of said board, such regular town boards and commissions as are described in Section 801 of this C~~c~~harter. [AMENDED 11/6/07]

Alternate members shall have all the powers and duties not inconsistent with this Ceharter, as are now or may hereafter be conferred or imposed upon such commission by the applicable provisions of the General Statutes, as amended. When seated in place of a regular member of a board, commission, or agency, the alternate member shall have all of the powers and duties of a regular member. When not acting in place of a regular member, the alternate may participate in research, discussion, and activities to assist and further the work of the commission but may not vote. No person shall be eligible for appointment to any regular town board or commission, except the Building Code Board of Appeals or any Ad Hoc Committee, who is not, at the time of his appointment, an elector of said town and any person ceasing to be an elector of said town shall thereupon forfeit his membership on said board or commission. Any such regular town boards and commissions newly created by the provisions of this Ceharter shall be appointed in accordance with this section by resolution adopted at a meeting to be held not later than the 30th day of January following the first regular town election held under the provisions of this Ceharter. [AMENDED 11/6/07]

SECTION 803. VACANCIES -- APPOINTIVE BOARDS AND COMMISSIONS

Any vacancy on any appointive town board or commission, from whatever cause arising, shall be filled by appointment by the Board of Selectmen to such office for the unexpired portion of the term vacated. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If within twelve (12) weeks after being notified of a vacancy no person has been nominated from the political party to which the resigned member belonged, the vacancy may be filled by an elector who is or is not affiliated with a political party.

SECTION 804. PARKS AND RECREATION COMMISSION

The Board of Selectmen shall appoint a Parks and Recreation Commission consisting of nine (9) members, said members to serve for terms of four (4) years.

SECTION 805. CONSERVATION COMMISSION

The Board of Selectmen, in accordance with Section 802 of this Ceharter, shall appoint a Conservation Commission consisting of seven (7) members, to serve for terms of four (4) years. The Board of Selectmen shall appoint two (2) alternate members to the Conservation Commission who shall serve for terms of two (2) years. [AMENDED 11/5/02; 11/6/07]

SECTION 806. ECONOMIC DEVELOPMENT COMMISSION

The Board of Selectmen, in accordance with Section 802 of this Ceharter, shall appoint an Economic Development Commission consisting of five (5) members, to serve for terms of four (4) years. The Board of Selectmen shall appoint three (3) alternate members to the Economic Development Commission who shall serve for terms of two (2) years. [AMENDED 11/5/02; 11/6/07]

SECTION 807. HUMAN SERVICES COMMISSION

The Board of Selectmen shall appoint, in accordance with the provisions of Section 802 of this Ceharter, a Human Services Commission consisting of eight (8) members, said members to serve for terms of four (4) years. Such commission shall act as an advocate of the physical and mental health needs as well as the social service needs of the community and shall investigate such needs and assist both the public and private agencies in procuring health and social services for the town residents, provided that such assistance is requested. [AMENDED 11/6/07]

SECTION 808. PUBLIC SAFETY COMMISSION

The Board of Selectmen, in accordance with Section 802 of this Ccharter, shall appoint a Public Safety Commission consisting of nine (9) members, said members to serve for terms of three (3) years. All appointments to this commission shall be made by the Board of Selectmen, in the manner provided herein, as vacancies on this board are created by the expiration of a member's term of service. Said commission shall draw lines of communication, ~~and~~ form operational policies among the town agencies involved with public safety, and ~~to~~ work with area towns having similar public safety problems in applying for Federal and State grants and technical assistance.

SECTION 809. PLANNING & ZONING COMMISSION - REPEALED 11/4/86

SECTION 810. INSURANCE ADVISORY BOARD

The Board of Selectmen shall appoint an Insurance Advisory Board, consisting of five (5) members. All members shall be appointed for four (4) year terms, except that of those such members first appointed under the provisions of the ordinance, three (3) shall be appointed for four (4) year terms and two (2) shall be appointed for two (2) year terms. Biennially thereafter, the Board of Selectmen shall appoint, in the manner provided herein, three (3) or two (2) members, depending on the number of members whose terms then expire. Members shall have expertise in the fields of life, health, property, casualty and liability insurance. The Finance Officer shall serve as an ex-officio member of the board, and the Board of Selectmen and Board of Education shall each designate one (1) of its members to be its liaison to this board. Such liaison member shall be entitled to participate in all discussions, but shall not be counted for quorum purposes nor be entitled to vote. Said board shall provide advice and assistance to the Board of Selectmen, Finance Officer, the agents of record, and town boards and commissions in the management of the town's insurance program. [AMENDED 11/6/07]

SECTION 811. HOUSING AUTHORITY

The Housing Authority existing on the effective date of this Ccharter is hereby designated the Housing Authority of the town under this Ccharter. The authority shall continue to consist of five (5) members, said members to serve for terms of five (5) years. Any person holding office as a Commissioner of the Housing Authority on the effective date of this Ccharter shall continue to hold such office until the term for which he or she was appointed shall expire. The Board of Selectmen shall thereupon appoint a successor to each such member, such successor to serve for a term of five (5) years. Said authority shall continue to have all the powers and duties now or hereafter conferred or imposed upon such authorities by Chapter 128 of the General Statutes, as amended, and nothing in this section shall be construed as affecting the existing Housing Authority in any respect other than to grant it the status and protection of a chartered board.

SECTION 812. WATER POLLUTION CONTROL AUTHORITY

The Water Pollution Control Authority existing on the effective date of this ~~charter~~Charter is hereby designated as the Water Pollution Control Authority of the town under this Ccharter. Said authority shall continue to consist of five (5) members, said members to serve for terms of four (4) years. Any person holding office as a member of said authority on the effective date of this ~~c~~Charter shall continue to hold such office until the term for which he was appointed shall expire. The Board of Selectmen shall thereupon appoint a successor to each such member, such successor to serve for a term of four (4) years. Nothing in this section shall be construed as affecting the existing Water Pollution Control Authority in any respect other than to grant it the status and protection of a chartered board. [AMENDED 11/6/07]

SECTION 813. PERMANENT BUILDING COMMITTEE

(a) The Board of Selectmen shall appoint, in accordance with Section 802~~,~~ of this C~~c~~harter, a Permanent Building Committee, consisting of eleven (11) members. The membership of the committee shall be made up as follows: one (1) member from the Board of Selectmen; one (1) member from the Board of Education; one (1) member from the Planning and Zoning Commission; one (1) member from the Board of Finance; and seven (7) members who do not hold an elected town office. The members from the aforementioned boards and commissions shall be appointed for two (2) year terms. All other members shall be appointed for four (4) year terms except that of those members first appointed under the provisions of this C~~c~~harter, four (4) members shall be appointed for four (4) year terms and three (3) members shall be appointed for two (2) year terms. Biennially thereafter, the Board of Selectmen shall appoint, in the manner provided herein, four (4) members from the aforementioned boards and commissions and that number additional members so that the committee shall continue to consist of eleven (11) members. If any of the aforementioned boards or commissions should fail to recommend and present a member to serve on said committee within thirty (30) days after the first meeting of the Board of Selectmen, then said Board of Selectmen shall appoint from said boards and commissions without such recommendation.

(b) The duties of this commission shall be to investigate sites for future public buildings and make recommendations as requested by the town meeting for acquisition and construction for all building projects and/or work with construction costs of over forty thousand dollars ($40,000). The committee may investigate sites and make recommendations for acquisition and construction of building projects and/or work with construction costs of less than forty thousand ($40,000~~.00~~)~~,~~ if requested to do so by the Board of Selectmen. The committee shall undertake such functions as:~~-~~ surveying sites, recommending acquisition, preparation and disposition of sites and buildings, engaging architects and engineers through quality base selection, approving plans, procuring bids and entering into contracts for construction, supervising construction, and accepting the work as authorized and delegated by the town meeting. [AMENDED 11/6/07]

(c) The Director of Public Works shall be an ex-officio, non-voting member of the committee and shall assist the committee in planning, supervising and inspecting projects.

SECTION 814. BUILDING CODE BOARD OF APPEALS

The Board of Selectmen shall appoint, in accordance with the provisions of Section 802 of this C~~c~~harter, and Section 19-402 of the General Statutes, as amended, a Building Code Board of Appeals consisting of five (5) members, said members to serve for terms of five (5) years. [AMENDED 11/6/07]

SECTION 815. JURY COMMITTEE - REPEALED 11/5/02

SECTION 816. FOREST AND OPEN SPACE COMMISSION - REPEALED 11/5/02

SECTION 817. BOARD OF ASSESSMENT APPEALS

The Board of Selectmen shall appoint a Board of Assessment Appeals consisting of three (3) members who shall serve for terms of three (3) years from the date of their appointment. Additional members may be appointed to the Board of Assessment Appeals for any assessment year in which a revaluation becomes effective and for the assessment year following such revaluation. The Board of Selectmen shall appoint two (2) alternate members to the Board of Assessment Appeals who shall serve for terms of two (2) years and shall not be from the same political party. Such appointments shall be made by the Board of Selectmen in the manner provided herein, as vacancies on this commission are created by the expiration of a member's term of service. [AMENDED 11/5/02; 11/6/07]

SECTION 818. CULTURAL ARTS COMMISSION

The Board of Selectmen, in accordance with Section 802 of this Cecharter, shall appoint a Cultural Arts Commission consisting of nine (9) members to serve for terms of four (4) years. Such appointments shall be made by the Board of Selectmen in the manner provided herein as vacancies are created at the expiration of a member's term of service. [AMENDED 11/6/07]

SECTION 819. PLANNING AND ZONING COMMISSION -- ALTERNATES

The Board of Selectmen shall appoint two (2) alternate members to the Planning and Zoning Commission who shall serve for a term of two (2) years. [AMENDED 11/6/07]

SECTION 820. ZONING BOARD OF APPEALS -- ALTERNATES

The Board of Selectmen shall appoint three (3) alternate members to the Zoning Board of Appeals who shall serve for a term of two (2) years. [AMENDED 11/6/07]

SECTION 821.CONSERVATION COMMISSION ALTERNATES-REPEALED 11/5/02

SECTION 822: INLAND WETLANDS AGENCY

The Board of Selectmen, in accordance with Section 802 of this Cecharter and Connecticut General Statutes Section 22a-42, shall appoint an Inland Wetlands Agency consisting of seven (7) members, to serve for terms of four (4) years and two (2) alternate members, to serve for terms of two (2) years. No member or alternate member of this agency shall serve on the Planning & Zoning Commission or the Conservation Commission. [ADDED 11/5/02; AMENDED 11/6/07]

SECTION 823: SENIOR CENTER ENDOWMENT FUND COMMITTEE

The Board of Selectmen shall appoint, in accordance with the provisions of Section 802 of this Cecharter, a Senior Center Endowment Fund Committee consisting of three (3) members to serve staggered terms of three (3) years. The members of the committee shall be Ellington residents and all three members shall be sixty-two (62) years of age or older. [ADDED 11/6/07]

SECTION 824. FLOOD AND EROSION CONTROL BOARD

The Board of Selectmen is designated as the Flood and Erosion Control Board. [ADDED 11/6/07]

SECTION 825. ETHICS COMMISSION.

The Board of Selectman shall appoint an Ethics Commission, in accordance with the provisions of Section 802 of this Ccharter, consisting of five (5) members to serve staggered terms of four (4) years. The Ethics Commission shall promote and affirm ethical behavior of the tTown's boards, commissions, employees, elected and appointed officials. The Ethics Commission shall draft an Ethics Code for the tTown for approval by the Board of Selectmen. The Ethics Commission will receive inquiries and requests for advisory opinions from town officials, employees, consultants and residents regarding possible code violations and will respond with formal procedures. The Ethics Commission will review, evaluate, resolve and adjudicate, as appropriate, ethical issues and concerns; disseminate informational and educational materials to enhance public awareness of the code; and maintain open-minded impartiality in all Ethics Commission dealings consistent with the application of precedent and rationale in its decision making. [ADDED 11/6/07]

SECTION 826. SHARED SERVICES COMMISSION

The Board of Selectman shall appoint a Shared Services Commission, in accordance with the provisions of Section 802 of this Ccharter, consisting of seven (7) members. Four (4) members shall be citizens, one of whom will be the chairman, who are not employees of the tTown or the Board of Education and shall serve staggered terms of three (3) years; one (1) member from the Board of Education, one (1) member of the Board of Finance and one (1) member from the Board of Selectmen shall each serve for two (2) year terms. The Shared Services Commission shall investigate areas where services may be shared and other town boards, commissions and employees shall cooperate with and provide information to this commission. The commission may negotiate with town agencies to effect sharing of services and shall make recommendations, at minimum annually, for the sharing of support services (building maintenance, finance, information technology, etceteraetc.) between the Town and the Board of Education that are in the best interest of tTown residents by increasing efficiency and reducing costs. Recommendations for the sharing of support services will not undermine the ability or legal authority of either the tTown or the Board of Education to conduct their respective missions. [ADDED11/6/07]

CHAPTER IX. ADMINISTRATIVE OFFICERS & DEPARTMENTS

SECTION 901. OFFICERS AND DEPARTMENTS

There shall be the following administrative officers and departments for the town: Town Clerk; Finance Officer; Tax Collector; Assessor; Director of Emergency Management; Director of Public Works; Building Official; Town Engineer; Town Attorney; Constables; Director of Health; Director of Recreation; Fire Marshal; Animal Control Officer; Director of Human Services; and Town Planner. The Board of Selectmen may recommend to the town meeting pursuant to the provisions of Section 603 of this Ceharter the creation of such additional or the elimination of such existing administrative offices and departments as it from time to time may deem appropriate and necessary to the best interest of the town. All administrative officers and department heads and their deputies and assistants shall receive compensation fixed by the Board of Selectmen; provided, however, no compensation shall be based upon any fees collected by them and all such fees collected by them shall be paid to the town treasury. [AMENDED 11/5/02]

SECTION 902. APPOINTMENT AND ELIGIBILITY

Administrative officers and department heads shall be appointed in the manner hereinafter provided. Appointees of the Board of Selectmen shall be appointed and may be removed in accordance with the provisions of Section 703 of this Ceharter. No officer or employee of the town shall serve on any board or commission if his duties on the board or commission conflict with the duties of his town position. Any such officer or employee elected to public office in the town shall, upon such election, forfeit the position to which he had been appointed. [AMENDED 11/5/02]

SECTION 903. VACANCIES -- ADMINISTRATIVE OFFICES

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

SECTION 904. TOWN CLERK

The Board of Selectmen shall appoint a Town Clerk who shall be qualified by training and experience and who shall serve for an indefinite term. Said Town Clerk shall have all powers and duties, not inconsistent with this Ceharter, conferred or imposed by the General Statutes on town clerks, and such other powers and duties as are prescribed in this Ceharter and as may be prescribed by the Board of Selectmen. The Town Clerk may appoint and may remove, subject to the 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 pursuant to the provisions of Chapter XI of this Ceharter, all deputies, assistants, or employees in his office.

SECTION 905. FINANCE OFFICER

The Board of Selectmen shall appoint a Finance Officer, who shall be chosen exclusively on the basis of technical and administrative qualifications, character, education, training, and experience, and who shall serve for an indefinite term. Said Finance Officer, shall have the following powers and duties, together with such other powers and duties as the Board of Selectmen may confer upon him:

(a) The Finance Officer, shall be the Town Treasurer and the agent of the town deposit fund and all other town funds, and shall have all the powers and duties, not inconsistent with this Ceharter, conferred or imposed by the General Statutes on town treasurers;

(b) He or she shall be responsible for the keeping and maintaining of all accounts showing financial transactions for all departments, and agencies of the town, including the Board of Education;

(c) He or she shall prepare financial reports and submit the same to the Board of Selectmen on a monthly basis and for such other periods as may be required by the Board of Selectmen;

(d) He or she shall prepare cash flow analysis and shall be responsible for the investment of town funds;

(e) He or she shall assist in the preparation of the annual budget and in the presentation of the same to the Board of Finance;

(f) He or she shall be responsible for the monthly reconciliation of all bank accounts and shall establish procedures for the purposes of internal auditing;

(g) He or she shall maintain records of all fixed assets of the town;

(h) He or she shall periodically review all insurance coverage carried by the town, including the Board of Education, and shall recommend to the Board of Selectmen adjustments and improvements in such coverage;

(i) He or she shall familiarize the Board of Selectmen with all grants and other state and federal programs available to the town or other agency or commission and shall follow the instructions of the Board of Selectmen with respect to the implementation of the same;

(j) He or she shall purchase or cause to be purchased, subject to such rules and regulations as shall be prescribed by the Board of Selectmen, all supplies, materials, equipment and other commodities required by any office or agency of the town, including the Board of Education, to the extent that said Board of Education shall authorize him to do so;

(k) The Finance Officer may appoint and may remove, subject to the approval of the Board of Selectmen and to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter XI of this Ceharter, all deputies, assistants or employees of his office;

(l) He or she shall have authority over and be responsible for the Tax Collector, Assessor, and their operations.

SECTION 906. TAX COLLECTOR

The Board of Selectmen shall appoint a Tax Collector who shall be qualified by training and experience and who shall serve for an indefinite term. Said Tax Collector shall have all the powers and duties, not inconsistent with the provisions of this Ceharter, conferred or imposed by the General Statutes on such officers and such powers and duties as may be prescribed by the Board of Selectmen. Said Tax Collector may appoint and may remove, subject to the approval of the Board of Selectmen and pursuant to the provisions of Chapter XI of this Ceharter, all deputies, assistants or employees in his office.

SECTION 907. ASSESSOR

The Board of Selectmen shall appoint, an Assessor who shall possess such qualifications as are required for said office by the General Statues and who shall serve for an indefinite term. Said Assessor shall have all the powers and duties, not inconsistent with the provisions of this Ceharter, conferred or imposed by the General Statutes on assessors and such other powers and duties as may be prescribed by the Board of Selectmen. Said Assessor may appoint and may remove, subject to the approval of the Board of Selectmen and subject to the rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter XI of this Ceharter, all deputies, assistants or employees in his office.

SECTION 908. DIRECTOR OF EMERGENCY MANAGEMENT

The Board of Selectmen shall appoint a Director of Emergency Management who shall serve for a term of two (2) years. Said Director of Emergency Management shall have all the powers and duties, not inconsistent with the provisions of this Ceharter, conferred or imposed by Section 28-7 of the General Statutes, as amended and such other powers and duties as may be prescribed by the Board of Selectmen. [AMENDED 11/5/02]

SECTION 909. WELFARE OFFICER- REPEALED 11/5/02 - (SEE SECTION 921)

SECTION 910. DEPARTMENT OF PUBLIC WORKS

The Board of Selectmen shall appoint a Director of Public Works, who shall possess such qualifications as are required for said office, and who shall serve for an indefinite term. It shall be the duty of the Department of Public Works to maintain, repair, clean, and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; care for and maintain all town buildings other than those under the jurisdiction of the Board of Education; coordinate the Recycling Program; prepare or supervise the preparation of plans and specifications for the construction or reconstruction of streets, sidewalks, curbs, gutters, storm sewers, drains, public buildings and other structures and construct or supervise the construction of the same, provided that nothing herein shall preclude the employment of engineers and architects on any such project, or the appointment of citizen advisory committees on the construction of school or other public building. Further duties of the Public Works Department shall be to care for parks, grassed areas in streets and public grounds;— the Public Works Department shall maintain all athletic fields and public beaches including those under the jurisdiction of the Board of Education and the Parks and Recreation Commission; to plant and care for trees within the street line;– to enforce the provisions of the building code, zoning ordinances, and ordinances imposing on owners of property obligations to construct and maintain sidewalks, curbs, gutters, storm sewers and drains;– and perform such other duties as may be prescribed by the Board of Selectmen by ordinance. Said Department of Public Works may contract with the town Water Pollution Control Authority for the maintenance of the facilities and grounds which come under the jurisdiction of the Water Pollution Control Authority. The Director of Public Works shall appoint a Tree Warden. The Director of Public Works shall serve as an ex-officio member of the Permanent Building Committee. He may organize the Public Works Department in such a manner as he shall deem most economical and efficient and may make and enforce such reasonable rules and regulations not inconsistent with the regulations of the General Statutes or the provision of this Ceharter, as may be necessary to exercise the powers and duties imposed on him by virtue of this provision of the Ceharter. He may delegate such powers to subordinate employees and shall have the authority to appoint and to remove, subject to the approval of the Board of Selectmen and such rules and regulations concerning town employees as may be adopted by the Board of Selectmen, all deputies, assistants or employees in this department.

SECTION 911. BUILDING OFFICIAL

The Board of Selectmen shall appoint~~,~~ a Building Official who shall possess such qualifications as are required for said office by the General Statutes. Said Building Official shall serve for an indefinite term. Said Building Official shall be the enforcement officer of the building code of the town. He shall have all the powers and duties, not inconsistent with this Cc~~c~~harter, conferred or imposed by the General Statutes on such offices and powers and duties as may be prescribed by the Board of Selectmen. Said Building Official may appoint and may remove, subject to the approval of the Board of Selectmen and subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to Chapter XI of this Cc~~c~~harter, all deputies, assistants or employees in his office.

SECTION 912. TOWN ENGINEER

The Board of Selectmen may appoint~~,~~ a Town Engineer who shall be a licensed civil engineer. Said Town Engineer shall serve for an indefinite term. All powers and duties of said Town Engineer shall be prescribed by the Board of Selectmen.

SECTION 913. TOWN ATTORNEY

The Board of Selectmen shall appoint, not later than thirty (30) days after the commencement of their first term of office under the provisions of this Cc~~c~~harter, a Town Attorney who shall serve for a term of two (2) years. Said Town Attorney shall be an attorney at law admitted to practice law in this state. Except as otherwise provided by law, he or she shall appear for and protect the rights of the town in all actions, suits, or procedures brought by or against it or any of its departments, offices, agencies, boards, or commissions. He or she shall be the legal advisor of the Board of Selectmen, First Selectman, and all town officers, agencies, boards, or commissions in all matters affecting the town and shall upon written request furnish a written opinion on any questions of law involving their respective powers and duties. Upon request he shall prepare or approve forms of contracts of other instruments to which the town is a party or in which it has an interest. He shall have the power, with the approval of the Board of Selectmen, to appeal from orders, decisions, and judgments, and subject to the approval of said Board of Selectmen, to compromise or settle any claims by or against the town. If, in special circumstances, or for investigation under Section 507 of this Cc~~c~~harter, the Board of Selectmen deems it advisable, they may by resolution provide for the temporary employment of counsel other than, or in addition to, the Town Attorney.

SECTION 914. CONSTABLES

The First Selectman shall have the power to appoint Special Constables, as that term is defined by section 7-92 of the Connecticut General Statutes, as amended, for a term not to exceed one (1) year. The above powers and duties as conferred or imposed upon the office of constable as aforementioned may not apply to an office created by the town's chief executive authority notwithstanding the name or title given to such office. [AMENDED 11/6/07]

SECTION 915. DIRECTOR OF HEALTH

The Board of Selectmen shall appoint and may remove a Town Director of Health. The town may continue as a constituent unit of a Regional Health District established pursuant to the provisions of Connecticut General Statutes, Section 19a-240 through 246, inclusive, as amended. For so long as the town continues as a constituent unit of said district, the Director of Health for said district shall function as Town Director of Health. [AMENDED 11/5/02]

SECTION 916. DIRECTOR OF RECREATION

The Board of Selectmen shall appoint and may remove a Director of Recreation who shall serve for an indefinite term. Said Director of Recreation shall be in charge of the administration of the recreation program in the town and shall be responsible for the implementation of recreational policies approved by the Parks and Recreation Commission and the Board of Selectmen. Said Director of Recreation may appoint and may remove, subject to the approval of the Board of Selectmen and subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen, all deputies, assistants or employees in his office. [AMENDED 11/5/02]

SECTION 917. FIRE MARSHAL

The Board of Selectmen shall appoint not later than thirty (30) days after the commencement of their first term of office under the provisions of this Ceharter, a Fire Marshal and such deputies as may be required. Said Fire Marshal and such deputies shall serve an indefinite term. The respective fire departments may offer advisory recommendations for consideration by the Board of Selectmen for any such appointments. Said Fire Marshal shall have all the powers and duties not inconsistent with the provisions of this Ceharter, conferred or imposed by the General Statutes on such offices and such powers and duties as may be prescribed by the Board of Selectmen.

SECTION 918. FIRE DEPARTMENT – REPEALED 11/6/07

SECTION 919. ANIMAL CONTROL OFFICER

The Board of Selectmen shall appoint an Animal Control Officer and such deputies as may be required, who shall have all the powers and duties not inconsistent with the provisions of this Ceharter, conferred or imposed by the General Statutes, as amended, on such officers and such powers and duties as may be prescribed by the Board of Selectmen.

SECTION 920. AMBULANCE SERVICE – REPEALED 11/6/07

SECTION 921. DIRECTOR OF HUMAN SERVICES

The Board of Selectmen shall appoint and may remove a Director of Human Services who shall serve an indefinite term and who shall possess such qualifications as are required for said office. The Director of Human Services shall serve as the Welfare Officer for the town and also shall be in charge of the administration of all welfare activities of the town. Said Director of Human Services shall have all the powers and duties, not inconsistent with the provisions of this Ceharter, conferred or imposed by the General Statutes with regard to poor and dependent persons and such other powers and duties as may be prescribed by the Board of Selectmen. [AMENDED 11/5/02]

SECTION 922. TOWN PLANNER

The Board of Selectmen shall appoint a Town Planner who shall serve an indefinite term and who shall possess such qualifications as are required for said office. Said Town Planner shall:

(a) Lead and coordinate reviewing/updating of the Town Plan of Conservation and Development;

(b) Serve as technical advisor and, administrative officer to the Planning and Zoning Commission, Zoning Board of Appeals, Inland Wetlands Agency, Conservation Commission, and the Economic Development Commission, assisting such commissions in the discharge of their statutory duties; act as Zoning Enforcement and Wetlands Officer as necessary;

(c) Maintain up-to-date inventories, maps and related information of wetlands, open space, and areas of ecological, biological, geological, and hydrological significance. Aid the aforementioned commissions in updating regulations, ordinances permits, etc.etcetera;

(d) Cooperate in the development of town capital improvement programs and capital budget recommendations; and

(e) Prepare and present technical, statistical and narrative reports and studies as assigned by the First Selectman, the Board of Selectmen, and land use commissions.

Said Town Planner may appoint and may remove, subject to the approval of the Board of Selectmen and subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to Chapter XI of this Ceharter, all deputies, assistants or employees in his office. [AMENDED 11/6/07]

SECTION 923. EMERGENCY SERVICES

Emergency Services to the Town of Ellington will be provided by Ellington Volunteer Fire Department, Crystal Lake Fire Department and Ellington Volunteer Ambulance Corps. The Board of Selectmen shall execute a written contract with each agency specifying details of such service. As a minimum, each contract will delineate type and scope of services provided, primary response areas, financial relationships, and reporting requirements between the Town of Ellington and each agency. Each contract shall be reviewed and revised as necessary by the Board of Selectmen and each agency no less than biennially. [AMENDED 11/6/07]

CHAPTER X. FINANCE AND TAXATION

SECTION 1001. FISCAL YEAR

The fiscal year of the town shall begin on the first day of July and shall end on the 30th day of June. Accounts for the town shall be maintained in accordance with generally accepted accounting principles related to accounting, auditing, and financial reporting, and pursuant to Chapter 111 of the General Statutes, as amended.

SECTION 1002. BUDGET PREPARATION

It shall be the duty of the First Selectman to require each department, office, and agency of the town supported wholly or in part by town funds, or for which a specific town appropriation is made, including the Board of Education, to submit to the Finance Officer not later than the ~~fifteenth~~ 15th day of February in each year on forms provided by him a detailed estimate of expenditures and revenues, other than tax revenues, incurred or earned by such department, office or agency for both the current fiscal year and the ensuing fiscal year. Such estimates shall be accompanied by information set forth in the manner prescribed by the Board of Finance describing a program or programs showing services, activities, and work accomplished during the current fiscal year and to be accomplished during the ensuing fiscal year. It shall be the responsibility of the Finance Officer to compile all figures of actual revenues and expenditures for the last completed fiscal year, the budgeted amount of revenues and expenditures for the current fiscal year and the actual amount to date for the current fiscal year.

SECTION 1003. DUTIES OF THE FINANCE OFFICER ON THE BUDGET

Not later than the ~~fifteenth~~ 15th day of March in each year the Finance Officer shall present to the Board of Finance a budget consisting of (a) the budget message outlining the financial condition of the t~~T~~own government and describing in connection therewith the important features of the budget plan indicating any major changes from the current fiscal year in financial conditions, expenditures, and revenues together with the reasons for such changes, and containing a clear general summary of its contents; (b) estimates of revenues, presenting in parallel columns the itemized revenues in the last completed fiscal year, the budgeted revenues for the current fiscal year, the revenues earned during the current fiscal year prior to the time of preparing the estimates, total revenues estimated to be earned during the current fiscal year, estimates of revenues, other than from the property tax, to be earned in the ensuing fiscal year, and an estimate of available surplus or existing deficit; (c) itemized estimates of expenditures, presented in parallel columns of the actual expenditures for each department, office, agency, or activity for the last completed fiscal year, the budgeted expenditures for the current fiscal year, the current fiscal year actual expenditures prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, appropriations as proposed by each department, office, or agency for all items for the ensuing fiscal year, and such other information as may be required by the Board of Finance.

SECTION 1004. DUTIES OF THE BOARD OF FINANCE ON THE BUDGET

The Board of Finance shall hold one or more public hearings on the individual budget requests of each board, agency, or commission before March ~~thirty-first~~31st of each year. The Board of Finance shall request the presence at such hearings of a representative of each board, agency, or commission submitting a budget request. At such hearing, any qualified elector or taxpayer shall have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following

compilation of the revenue and expenditure estimates which form a preliminary budget for the ensuing fiscal year, the Board of Finance shall cause sufficient copies of said preliminary budget to be made available for general distribution in the office of the Town Clerk. The Board of Finance shall hold the public hearing on the second Tuesday of April on said preliminary budget. The Board of Finance budget deliberations will commence two days later on Thursday. The Board of Finance shall request the presence at such hearings of a representative of each board, agency or commission submitting a request. At such hearings, any qualified elector or taxpayer shall have an opportunity to be heard regarding appropriations for the ensuing fiscal year and at least five (5) days prior to the first of the public hearings on the preliminary budget, the Board of Finance shall cause to be published, in a newspaper having general circulation in the town, a notice of such public hearing and summary of said preliminary budget showing anticipated revenue by major sources, and requested expenditures by function or departments in the same columnar form as prescribed for budget estimates in Section 1003 of this Ceharter, and shall also show the amount to be raised by taxation. Within fifteen (15) days after holding the final of such public hearings, the Board of Finance shall hold one or more public deliberations and by resolution adopted by affirmative vote of at least four (4) members, the Board of Finance shall approve a budget and file the same with the Town Clerk for submission to the annual town budget meeting for its adoption. The estimate of expenditures submitted by the Board of Finance to the annual town budget meeting shall include a recommendation for a contingency fund which shall not exceed three (3) percent of the total expenditures for the current fiscal year. The estimate of expenditures submitted by the Board of Finance to the annual town budget meeting will provide a contribution to the Capital Reserve Fund in order to maintain at least a minimum of five (5) percent of the total expenditures for the current year. No expenditure or transfer may be made from this fund without approval of the Board of Finance. Any expenditure or transfer in excess of forty thousand dollars ($40,000.00) per transaction must be submitted to the vote of a duly called town meeting as set forth in Section 7-348 in the General Statutes, as amended. The budget, as approved by the Board of Finance, shall be published at least five (5) days prior to the annual town budget meeting in the same manner as prescribed in this section for purposes of publication prior to the Board of Finance's public hearing on the preliminary budget. An official copy of the budget as finally approved by the Board of Finance shall be filed with the Town Clerk. Should the Board of Finance fail to approve a budget within the specified fifteen (15) days, the budget, as submitted to the Board of Finance, in accordance with the provisions of Section 1003 of this Ceharter shall be deemed to have been finally approved by the Board of Finance and the same shall be filed with the Town Clerk for submission to the town meeting for the purposes of final adoption in accordance with Section 602 of this Ceharter. Within ten (10) days after the acceptance of the budget at a town budget meeting, the Board of Finance by resolution shall fix the tax rate in mills or fraction thereof which shall be levied on the taxable property in the town for the ensuing fiscal year. For the purposes of Chapters 108 and 111 of the General Statutes, as amended, the Board of Finance shall be deemed to be the budget-making authority and shall have all the powers and duties contained in said Chapter 108 for the creation of a "Reserve Fund for Capital and Non-recurring Expenditures." [AMENDED 11/5/02; 11/6/07]

SECTION 1005. DUTIES OF THE BOARD OF FINANCE

(a) In addition to the duties prescribed in Section 1004 of this Ceharter, the Board of Finance shall have the power to select the independent public accountant who shall conduct an audit of the records and accounts of the town, including the Board of Education, as provided in Chapter 111 of the General Statutes, as amended. Said audit shall be completed in accordance with Connecticut State Statute Section 7-393, as amended. The Board of Finance shall also have the power to initiate and appropriate funds for special inquiries by said independent auditors of financial situations that, in the opinion of the Board of Finance, warrant the interim audit and/or gathering of specific information on any accounts,

investments or funds operating under the control of employees, boards or agents of the Town of Ellington.

(b) The Board of Finance shall, with the assistance of the Finance Officer, prepare and publish the annual town report. Said report shall be available for distribution as soon as possible after the close of the fiscal year, but not later than the ~~thirty-first~~31st day of October following the close of said fiscal year.

(c) Upon recommendation of the Board of Selectmen and the Board of Finance and approval by the annual town budget meeting~~,~~ a reserve fund established for capital and non-recurring expenses shall be established in accordance with the General Statutes as amended. All or a portion of said fund may be used to finance planning, construction, or acquisition of any specific item or equipment. Any appropriation from this fund must be for a specific sum plainly designated for each project and must be recommended by the Board of Finance and submitted to the vote of a duly called town meeting.

SECTION 1006. DUTIES OF THE TOWN MEETING ON THE BUDGET

The annual budget shall become effective only after it has been approved by resolution of the Board of Finance, and adopted at the annual town budget meeting. Should the annual town budget meeting fail to adopt the budget, the vote on the budget shall be adjourned to referendum on the following Tuesday and thence to automatically schedule additional referenda, as required every other week thereafter until final approval is given. Any budget which has been rejected by referendum in accordance with Chapter VI of this C~~c~~harter shall be considered in the interim by the Board of Finance, which may revise the rejected budget and shall present it at a subsequent budget referendum for acceptance. If the budget remains unaccepted after such reconsideration referendum, the budget adopted for the then current fiscal year shall be deemed to be the temporary budget for the forthcoming fiscal year and expenditures may be made on a month-to-month basis in accordance therewith until such time as the annual town budget referendum finally adopts a new budget. The Board of Selectmen shall have the authority to permit separate votes on the t~~T~~own's operating budget and the t~~T~~own's education budget for any budget which has failed to be approved by referendum. [AMENDED 11/6/07]

SECTION 1007. EXECUTION OF THE BUDGET

Prior to the beginning of the fiscal year, the Finance Officer shall advise each department, office, and agency of the town supported wholly or in part by town funds, or for which a specific town appropriation is made, of the appropriations approved by the annual budget meeting. Within ten (10) days thereafter, any department, agency, or office, as requested by the Finance Officer, shall submit to the Finance Officer a work program for the full fiscal year with a suggested schedule of monthly appropriation allotments which shall not exceed in total the corresponding individual appropriation. The Finance Officer shall review and modify as necessary the proposed work program and suggested monthly allotment schedule and submit to the First Selectman a recommended program and allotment schedule for all appropriations for the budget year. Upon approval of the Board of Selectmen~~,~~ the Finance Officer shall advise each department, agency, and office of the approved program and allotment schedule. The Finance Officer shall authorize all expenditures for the offices, departments, and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If at any time during the budget year, the Finance Officer shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments, and agencies and recommend to the First Selectman revised allotments so as to forestall the making of expenditures in excess of the said income.

SECTION 1008. EMERGENCY APPROPRIATIONS

For the purpose of meeting a public emergency threatening the lives, health, or property of citizens, emergency appropriations, the total amount of which shall not exceed two hundred and fifty thousand dollars ($250,000) may be made upon the recommendation of at least four (4) members of the Board of Selectmen and by an affirmative vote of not less than four (4) members of the Board of Finance. In the absence of sufficient general fund resources to meet such appropriations, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Ccharter, as may be determined by the Board of Finance. [AMENDED 11/5/02; 11/6/07]

SECTION 1009. EXPENDITURES AND ACCOUNTING

(a) No purchase shall be made by any office, agency, board, or commission of the town, other than the Board of Education, except through procedures established by the Board of Selectmen.

(b) No voucher, claim, or charge against the town, except those against the Board of Education, shall be paid until the same has been audited by the Finance Officer and approved by him or her for correctness and validity. Payment of all claims against the Board of Education shall be authorized by the Superintendent of Schools, or his agent. Payment of all approved claims against all other town accounts shall be authorized by the First Selectman. ~~which~~ Said authorization shall be valid when countersigned by the Finance Officer acting as the treasurer, provided, in the absence or inability to act of the First Selectman or Finance Officer, the Deputy First Selectman shall substitute temporarily for said First Selectman or Finance Officer.

(c) The Finance Officer shall prescribe the time at which and the manner in which persons receiving money on behalf of the town shall pay the same to him or her in his or her capacity as Town Treasurer.

(d) No officer, agency, board, or commission of the town shall expend or commit the town to the expenditure of any money for any purpose in excess of the amount appropriated therefore until the matter has been approved by the Board of Selectmen and the Board of Finance and each order drawn upon the Treasurer shall state the office, agency, board, or commission and the appropriation against which it is to be charged.

(1) Upon completion of salary and benefit negotiations or adjustments by the Board of Selectmen with any employee or group of employees, the Board of Selectmen shall recommend and the Board of Finance may[JT6] approve, a transfer of funds from a General Government Salary Adjustment Account, or additional appropriation, as the case may be, to the respective salary and benefit accounts of each affected department so as to accurately reflect the expense of each department.[ADDED 11/5/02]

(e) In addition to the duties assigned to the Finance Officer under the provisions of this ~~c~~Charter, it shall be the duty of the Finance Officer to serve as advisor to the Board of Finance on all matters.

(f) Upon the recommendation and request of the Board of Selectmen during the last three (3) months of the fiscal year, the Board of Finance may, by resolution, transfer any unencumbered appropriation, balance, or portion thereof from one department, commission, board, or office to another, ~~,~~ provided, however, that this provision shall not apply to the Board of Education. No transfer shall be made from any appropriation for debt service and other statutory charges.

(g) Appropriations for construction or for other permanent improvements from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrances of the appropriation therefore. Any portion of any other annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse and revert to the general fund.

(h) Every payment made in violation of the provisions of this Ceharter shall be deemed illegal, and every official willfully authorizing or making such payment or taking part therein shall be jointly and severally liable to the town for the full amount so paid or received.

(i) The Board of Selectmen shall adopt, by resolution, such rules and regulations concerning expenditures and bidding procedures not inconsistent with the provisions of this section and Section 1010 of this Ceharter.

(j) All grants that have the potential to impose any financial burden on the tTown must be approved by the Board of Selectmen and the Board of Finance prior to acceptance. At the time of the acceptance, all information regarding future costs and/or responsibilities must be presented to the Board of Selectmen and Board of Finance for review. [ADDED11/06/07]

(k) As to cCapital nNon-rRecurring projects approved at the annual town budget meeting, upon the recommendation of the Board of Selectmen and Board of Finance approval, additional appropriations of forty-thousand dollars ($40,000) may be made to the project without town meeting approval, as well as close out of capital projects under forty-thousand dollars ($40,000). [ADDED11/06/07]

SECTION 1010. BORROWING

The town shall have the power to secure indebtedness by issuing its bonds or notes as provided by the General Statutes as amended subject to the limitations thereof and the provisions of this Ceharter.

SECTION 1011. PURCHASING

Purchases for the Town of Ellington, except the Board of Education and the Probate Court, shall be made under such rules and regulations as may be established by the Board of Selectmen. For any purchase estimated at seven thousand five hundred dollars ($7,500.00) or more, the Finance Officer shall invite sealed bids unless the Board of Selectmen shall decide it to be against the best interest of the town. The Finance Officer shall provide a minimum of ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the town. The Finance Officer shall, with the approval of the requesting board, commission, committee, or department, award the purchase or contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals. All such sealed bids or proposals shall be opened publicly. For any purchase less than seven thousand five hundred dollars ($7,500.00), or such other amount required by law, the Finance Officer or his designee shall negotiate directly with prospective suppliers prior to the Finance Officer awarding the contract. [AMENDED 11/5/02; 11/6/07]

CHAPTER XI. TOWN EMPLOYEES

SECTION 1101. GENERAL

The Board of Selectmen shall execute a merit system which shall provide that all officers and employees in the classified service of the town, as described in Section 1102, shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

SECTION 1102. THE CLASSIFIED SERVICE

The classified service shall include all full-time employees and regular part-time employees of the town, both now and hereafter hired, but shall not include elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions; employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study, or investigation; persons employed on a part-time basis; and persons employed for a temporary period not exceeding four (4) months. [AMENDED 11/5/02; 11/6/07]

SECTION 1103. JOB CLASSIFICATION

The Board of Selectmen shall prepare a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such position. These statements shall comprise the classification plan of the town and may be amended, by resolution of the Board of Selectmen. New or additional positions in the classified service may be created or existing positions abolished and changes in duties and responsibilities of existing positions may be made by resolution of the Board of Selectmen.

SECTION 1104. PERSONNEL RULES

The Board of Selectmen shall prepare a set of personnel rules and regulations which shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves, and other leaves of absences, removals and such other rules as may be necessary to provide adequate and systematic procedure for the administration of the personnel affairs of the town. Such rules and regulations and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen and filed with the Town Clerk. Copies of such rules and regulations and any amendments thereto shall be distributed to all town employees. The Board of Selectmen shall appoint, from within its own ranks, three members to serve on a Personnel Policies Committee whose responsibilities shall be to: advise the Board of Selectmen on problems concerning personnel and administration; make any investigation which it may consider desirable concerning the administration of personnel in the town service; and, at least annually, submit to the Board of Selectmen a report on progress of the merit system program during the past year, with its findings, conclusions, and recommendations for improving the merit system of the town; and administer any appeal process that may be established by the Board of Selectmen for any town employee within the classified system who is dismissed or demoted after completing his probationary period of service. [AMENDED 11/6/07]

SECTION 1105. SALARIES

The Finance Officer shall prepare for the First Selectman a proposed standard, systematic schedule of pay for each class of positions in the classified service. The First Selectman shall submit the proposed pay plan to the Board of Selectmen with any changes he or she deems necessary and such proposed plan shall take effect when adopted by resolution of the Board of Selectmen. Amendments to the pay schedule may be adopted by the Board of Selectmen from time to time upon recommendation of the First Selectman. For purposes of Chapter 113 of the General Statutes, as amended, the First Selectman shall have the sole authority to recognize the exclusive bargaining agent for any unit of town employees and shall act as the bargaining agent for the town.

SECTION 1106. RETIREMENT

The Board of Selectmen may provide by ordinance a system of retirement benefits for the regular full-time employees and regular part-time employees, including employees of the Board of Education at the request of the Board of Education. The town may operate its own retirement plan, may enter into a contract with any financial institution authorized to do business in this state, may elect to participate in the Connecticut Municipal Employees Retirement Plan, may elect to participate in the old age and survivor of insurance system under the Federal Social Security Act, or may choose any combination thereof. [AMENDED 11/5/02]

All references in ~~the~~ this Charter to types and/or amounts of benefits are solely for the purposes of description, identification, and authorization. In all cases, the terms and provisions of the insurance, retirement, or other ~~polices~~ policies [JT7] themselves and Internal Revenue Code Rules and Regulations shall govern any claim. [ADDED 11/5/02]

SECTION 1107. OFFICIAL BONDS

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

CHAPTER XII. TRANSITION AND MISCELLANEOUS PROVISIONS

SECTION 1201. TRANSFER OF POWERS

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

SECTION 1202. PRESENT EMPLOYEES TO RETAIN POSITIONS

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

SECTION 1203. CONFLICT OF INTEREST

Any elected or appointed officer, any member of any board or commission, or any employee of the town who has a financial interest direct or indirect, in any contract, transaction, or decision of any officer or agent of the town or any board or commission, shall disclose that interest to the Board of Selectmen for recording upon their official records and any such person shall be thereby disqualified from participation in the awarding, assignment, or discussion of any contract, transaction, or decision. Violation of this provision shall be grounds for the removal of any such person.

SECTION 1204. TRANSFER OF RECORDS AND PROPERTY

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

forthwith to the commission, board, department, or office to which such powers and duties are assigned.

SECTION 1205. CONTINUATION OF APPROPRIATIONS AND TOWN FUNDS

All appropriations approved and in force, and all funds, including special or reserve funds in the name of the town, at the time of the adoption of this ~~charter~~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~~Charter.

SECTION 1206. LEGAL PROCEEDINGS

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

SECTION 1207. EXISTING LAWS AND ORDINANCES

As of the effective date of this ~~charter~~Charter, all general laws and special acts applying to the town, all ordinances and by-laws of the town, and all rules and regulations of commissions, boards, departments, and agencies of the town shall continue in force, except insofar as they are inconsistent with the provisions of this ~~charter~~Charter or are repealed.

SECTION 1208. REVIEW AND AMENDMENT OF CHARTER

The Board of Selectmen shall review the several provisions of this ~~charter~~Charter from time to time as it deems such review to be in the best interest of the town, but not less than once every five (5) years, said review to be published as part of the Annual Town Report. The amendment of this ~~charter~~Charter may be initiated (a) by a two-thirds (2/3) vote of the entire Board of Selectmen or (b) by a petition signed by not less than ten (10) percent of the electors of the town as determined by the last completed registry list of the town, such initiation in either instance to result in the appointment by the Board of Selectmen of a charter revision commission, said commission to consider any proposed amendments to the then existing ~~charter~~Charter. Such proposed amendments shall not become effective until and unless the same shall have been approved by a majority of the town electors voting thereon at a regular election or if approved at a special election by a majority equal to at least fifteen (15) percent of the electors of the town, as determined by the last completed registry list of the town. The provisions of Chapter 99 of the General Statutes, as amended, as may now or hereafter apply to the manner of amending said ~~charter~~Charter shall prevail in the event of any conflict with the provisions of this section of the ~~charter~~Charter.

SECTION 1209. SAVING CLAUSE

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

SECTION 1210. USAGE

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

SECTION 1211. EFFECTIVE DATE

This ~~charter~~Charter is effective November 4, 1975.

This amended ~~charter~~Charter was approved and will become effective upon the approval of a majority of the town electors voting herein at a regular election as stated below in accordance with the provisions of Chapter 99 of the General Statutes, as amended, provided, however, no provision of this ~~charter~~Charter shall be implemented until the effective date, except for purposes of preparing for the election of officials who shall take office after the first town election held under this ~~charter~~Charter. Appointed or elected officials serving a specific term on the effective date shall continue to serve until the expiration of the term unless the office is abolished or made a part of the c~~C~~lassified ~~S~~service. As terms expire or are vacated, the s~~S~~electmen may, as necessary, make appointments for a short term in order to achieve the regular rotation of appointments, and all elected officials shall continue until their successors shall qualify and take office.

Amendments approved at the election on November 6, 1979 became effective on January 7, 1980.

Amendments approved at the election on November 4, 1986 became effective on November 3, 1987.

Amendments approved at the election on November 3, 1992 became effective on November 2, 1993.

Amendments approved at the election on November 5, 2002 became effective on January 1, 2003.

Amendments approved at the election on November 6, 2007 became effective on January 1, 2008.

CRC SUMMARY OF RECOMMENDATION FOR TOWN MANAGER

OBJECTIVE: LIST REASONS FOR CONSIDERING ADDITION OF TOWN MANAGER/ADMINISTRATOR TO ELLINGTON GOVERNMENT.

First Selectman's present duties:

- Chief Elected Official, Chief Executive Officer and Chief Administrative officer
- Elected by town voters every two years
- Presides over and votes in all Board of Selectmen meetings
- Is Ex-Officio Member of all other town board and committee meetings (participates but does not vote)
- Acts as the Town Chief of Police when necessary
- Administers all departments and agencies and officers in charge of persons or boards
- Sees that all laws and ordinances governing the town are faithfully executed
- Makes periodic reports to the board of selectmen regarding the conditions and affairs of the town
- Keeps the Board fully informed as to the financial condition of the town
- Enters into contracts or agreements with the United States government or its agencies,
- Can hire and fire administrative officers with the approval of the board.
- Can negotiate with all unions representing town workers
- Other duties as are presently enumerated in the charter and state statutes
- Represents the Town at all ceremonial and military events, both locally and throughout the state
- Attends regional and state-wide government organizations and represents Ellington at these meetings

Problems facing Ellington:

- Lack of people wanting to run for office. The last election had only two Republican and no Democrat candidates for First Selectman, and too few candidates in several other boards and offices. People are no longer willing to volunteer the amount of time necessary to help run the town.
- The job of First Selectman has no requirements other than to be a registered voter in the town. Anyone who gets elected does not have to know anything about how to actually run a town, and the learning curve is complicated and long. So far we have been fortunate to have caring and conscientious people who have been our first selectman, but each year there are more and more regulations coming from the state and federal government which must be addressed, and therefore more room and opportunities for mistakes and missteps to be made.
- The First Selectman must be elected every two years, making the transition time very short. There is the possibility of having different First Selectmen every two years, which causes the potential for inconsistency in governing. This is especially possible with projects that are lengthy or ongoing.
- Lack of institutional memory (the idea that there is one person who has knowledge of processes and projects from the inception to the finish). Presently we have several department heads who would have partial knowledge like this, but no one with overall knowledge of all aspects of town procedures and processes.
- New challenges facing the town, such as cyber-attacks and other technology issues, which the chief executive officer would have to know about and address.
- If an elected official becomes incompetent or negligent, there is no way to remove them from office, and they are in office until the next election.

How a professional manager could help:

- Trained in all aspects of town governance: can take over recruiting, hiring, terminating and supervising; has technical knowledge and experience, academic training, management expertise, and a dedication to public service as the chosen career field, not just as an elected office.
- As an employee of the town, would serve at the pleasure of the board, and can be fired for negligence or incompetence if that were ever an issue.
- Would free the First Selectman from day to day administrative duties, allowing the First Selectman to focus on policy issues along with the full Board.
- Would provide continuity from election to election, giving support to newly elected members of all town boards, assuring that the town would continue to run efficiently: institutional memory
- Chosen from a large pool of candidates, based on a pre-established set of qualifications, although the prospective manager could also be required to establish residence in town at the discretion of the board as a condition of hire.
- Non-political, and therefore could bring a community-wide perspective to policy discussions when necessary. The town would also benefit from connections that professionals usually have with others in state and federal government agencies, and the ability to find and procure grants and other sources of revenue, among other things.
- Because they are professionals, managers represent a greater reservoir of knowledge that they can draw upon than the average selectman can.
- The First Selectman could either be chosen by a vote of the full Board, or elected by the population, as he or she is now.
- The Town Manager would usually be bound by a strict code of ethics (ICMA membership), would be selected on the basis of qualifications specified by the Board members and would thus be someone that the Board could trust to run transparently and efficiently the daily affairs of the town.

RECOMMENDATION OF THE CHARTER REVISION COMMISSION REGARDING THE ADDITION OF A TOWN MANAGER TO OUR PRESENT FORM OF GOVERNMENT.

Based on many months of exhaustive study and research, the Charter Revision Commission strongly recommends that the Board of Selectmen consider adding the position of Town Manager to the present group of administrative officers. We make this recommendation for the following reasons:

- Historically, Ellington has been governed by a Board of Selectmen whose members had both executive and administrative responsibilities, many of which were handled by the First Selectman, who is the Chief Elected Official. This system functioned very well when municipal government was limited in scope and complexity. With the expansion of responsibilities however, the policy-making demands of governing bodies has greatly increased, as has the need for technical competence in the administration of services. Today's elected board members can better fulfill their policy-making roles and maintain their overall control of service delivery by delegating the day-to-day management of the town to an appointed professional.
- Hiring a professional frees the First Selectman from the administration of daily operations and gives him or her time to focus on policy-making duties. It empowers the First Selectman to effectively provide leadership and develop a vision for the community, while a trained professional oversees the day-to-day operations.
- Professional managers have degrees in public administration or other related fields, and are well-trained to operate a municipality and supervise its operations, including administering budget oversight. Ellington has grown into a government with 31 different departments, commissions, boards and agencies (not including the Board of Education), more than 16 administrative officers, and a budget of nearly 54 million dollars. Some of these departments additionally have a number of programs under their direction. Just one such example is Youth Services, which lists at least 15 different programs, 5 paid positions and a number of volunteers to run these programs. The large number of departments in this position is creating complications in efficiency. Further, presently each department has a liaison from the Board of Selectmen who reports to the full board, and during the budget process can come back with Board recommendations for cuts or additions to their individual budget. Again, complicating this process further is the situation where some department expenditures may overlap with those of other departments such as Land Use with Building Maintenance, or Recreation with Board of Education. Traditionally, this scenario has been thought to be a good thing, inasmuch as it results in many different boards and agencies having their own political power: no one person or agency is in control and responsibility for decision-making is shared among many people. However, as the size of our government continues to grow, this scenario is becoming more and more unwieldy, with too much de-centralization of power and a resulting lack of timely decision-making. We have heard from many Ellington department heads who have urged simplification of the process. If we think of Ellington as a 54 million dollar business, then having a managerial professional as the single liaison between all departments and the Board would greatly streamline the process and provide continuity of reporting among all facets of the government. The budget process is only one issue among many that having an appointed manager would help to streamline.
- Under the current system, the First Selectman is the Chief Elected Official, Chief Executive Officer

and Chief Administrative Officer, with myriad responsibilities for overseeing all facets of the municipality, and also serves on various regional boards, while reporting regularly to the full Board regarding the condition of the town, and overseeing all aspects of the budget process, among many other duties. To be elected to this office, one need only be a registered voter in the town. On the other hand, a professional manager is selected solely on the basis of experience, education and qualifications specified by the Board of Selectmen. If a First Selectman is not responsive to the electors, there is no method to remove them from office before the next election. However, if a manager is not responsive to the elected officials, he or she may be terminated at any time, in accordance with the contract under which he or she is employed. In that sense, the manager's responsiveness is tested daily. They are appointed by, and serve at the pleasure of, the Board of Selectmen.

- The Board of Selectmen, the Board of Finance and the other elected boards in Ellington would benefit in several ways from adding a professional manager. First, since the manager would be charged with carrying out the policies established by the Board and with delivering public services efficiently, effectively, and equitably, the First Selectman would be able to spend more of his or her time focusing on policy issues, community goals, and major projects rather than on administrative details. Additionally, the Selectmen will get more comprehensive information and analysis from the manager in a staff role to enable them to make more informed decisions. Further, a professionally trained manager would be a knowledgeable and valuable resource for recommending new procedures across all facets of government. Since this is a non-political appointment, the solutions and suggestions offered would rely only on what might be objectively most workable, and not on any political agenda or ideology.

TYPICAL DUTIES OF AN APPOINTED MANAGER

- Carries out the policies adopted by the elected officials
- Manages town services, which may or may not include public works, public safety, planning and economic development, parks and recreation, libraries, youth services, resource recovery and recycling and utilities, depending on each town's requirements.
- Prepares a comprehensive annual budget and capital improvement program
- Ensures fiscal responsibility and modern accounting practices
- Develops performance measurement systems for city or town services
- Applies for and administers federal, state, and private foundation grant funding
- Recruits, hires and supervises the workforce of the town, including key department heads
- Prepares Board meeting agenda materials
- Develops long-range plans with guidance from elected officials and assists in the achievement of common goals and objectives
- Facilitates the flow and understanding of ideas and information between and among elected officials, employees and citizens

It should be noted that the implementation of adding a Town Manager to the government structure would take two to three years to complete: a job description that encompasses Ellington's expectations and outlines measurable objectives that the Board would want to accomplish would have to be drawn up; decisions would have to be made regarding what qualifications would be sought in the candidates; and a management profile of the manager that matches the Board's expectations should also be developed, as well as a process for recruiting and selecting the best candidate, ideally involving interested community members in the selection process. Generally, when a change in the Town Charter is voted on and approved, the actual changes don't take effect until the next election cycle, giving the Board of Selectmen a good deal of time to make the appropriate adjustments.

It should also be noted that assigning to a managerial professional the administrative duties currently assigned to the First Selectman would enable the First Selectman to spend more time in a leadership role, assessing the needs of the community, representing the community on the various regional boards and agencies to which he or she belongs, and concentrating on developing goals for the community. In other words, the Board and the First Selectman can spend more time deciding on how to use limited resources in creative ways, while the manager would be responsible for maximizing the resources and creatively oversee the methods of implementation.

From the point of view of the voters, little if anything would change; elected officials would remain the same, including the First Selectman, who would continue to be the Chief Elected Official and preside over the Board of Selectmen, while carrying out all the other leadership duties presently assigned. Administratively, however, all town departments and agencies would be linked by one professional, simplifying the process by which decisions are made. This professional would be hired by the Board, would be an employee of the town, would work closely with both the Board and the First Selectman and would bring consistency to the governance of the town. Allowing the First Selectman to concentrate on leadership rather than management might also encourage more people to run for this office, a growing problem in Ellington. For these reasons and others, the CRC recommends the addition of a Town Manager to our present form of government.

METHODOLOGY OF THE CHARTER REVISION COMMISSION IN ARRIVING AT THESE RECOMMENDATIONS

The following resources and methods were used by the Charter Revision Commission members in order to formulate the charter revision recommendations, including the addition of Town Manager:

- Public input via meetings, public hearing and e-mail correspondence,
- Commission research of the existing charters and revisions of other towns,
- Commission interviews of Town of Ellington personnel, past and present First Selectmen and Board of Selectmen, and personnel of other towns,
- Commission research and evaluation of printed and online materials and books about municipal government, especially those published by the Connecticut Conference of Municipalities,
- Acquisition of written suggestions for changes from agency and department heads,
- Commission discussion and debate regarding revision suggestions.