

CHARTER  
OF THE  
TOWN OF KILLINGWORTH

EFFECTIVE DECEMBER 4, 1997

WITH CHANGES RECOMMENDED BY  
CHARTER REVISION COMMISSION

JULY 15, 2009

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# THE KILLINGWORTH CHARTER

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## THE KILLINGWORTH CHARTER

### ARTICLE I: THE CHARTER

#### Section 1-1: Force, Effect and Notice

- (a) The Charter shall be the organic law of the Town of Killingworth in the administration of its local affairs. Special Acts and Ordinances, or portions thereof, inconsistent with this Charter and superseded by it, shall have no further force or effect after the effective date of this Charter. Other Special Acts affecting the Town, and all other Ordinances and Resolutions duly adopted and in force before the effective date of this Charter, shall remain in force.
- (b) Matters concerning the election of Officers, the making and registration of voters and the administration of local affairs not provided for by this Charter, or by lawful Ordinance, shall be governed by the Statutes, as amended, and any Special Acts of the State of Connecticut applicable to the Town.
- (c) In computing the period of time of any notice under this Charter, the day on which the notice is given shall be included and the day on which the matter noticed is to occur shall be excluded. The same principle shall govern other computations of time for purpose hereof.
- (d) The Board of Selectmen of the Town is charged with the responsibility of enforcing this Charter according to the provision of the Statutes, as amended.

#### Section 1-2: Definitions

- (a) "Board" or "Boards" means all boards, commissions and permanent committees, except as otherwise provided, established by Town Ordinance or by this Charter and having an administrative or executive function in the Town.
- (b) "Designated Medium" means the medium designated by the First Selectman as prescribed by law.
- (c) "Elector" means a citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town of Killingworth, and who has been admitted to the voter rolls by the Registrars of Voters or Town Clerk, as provided by Connecticut General Statutes Section 9-12.
- (d) "Prescribed by law" means prescribed or provided by the Connecticut General Statutes as amended (herein Statutes), by Charter or by lawful Town Ordinance. Said laws are kept on file and are available for public inspection at the Town Clerk's Office of the Town for which the Board of Selectmen is responsible.
- (e) "Statute" means Connecticut General Statutes, as amended.
- (f) "Voter" includes an Elector as well as any citizen of the United States of the age of eighteen years or more who, jointly or severally, is liable to the town, district or subdivision for taxes assessed against him/her on an assessment of not less than one thousand dollars on the last-completed Grand List of the town, as provided by Connecticut General Statutes Section 7-6.

## ARTICLE II: THE TOWN

### Section 2-1: Incorporation

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

### Section 2-2: Rights and Obligations

All property interests, both real and personal, all actions, causes of actions, defenses thereto and rights of every description and all liens vested or in progress which the Town possesses as of the effective date of this Charter shall be continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind for which the Town is liable on that date. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien. Any rights or obligations of any Town agency that would fail, lapse, or fall into breach by reason of any change in the powers, organization, or duties of the agency resulting from this Charter shall be assumed by the Board of Selectmen, unless otherwise provided by Ordinance, Resolution or the terms of this Charter.

### Section 2-3: General Grant of Powers

In addition to all powers granted to towns under the Constitution and the Statutes, the Town shall have all powers granted by this Charter and all powers proper, incidental, or convenient to their exercise and all other powers incident to the Town, including the capacity and power to enter into contracts with the United States government or any federal agencies, the State of Connecticut or any political instrumentality thereof for purposes not prohibited by law.

## ARTICLE III: TOWN MEETING

### Section 3-1: The Town Meeting

Except as otherwise provided in the Charter, the legislative body of the Town shall be the Town Meeting, with all powers conferred by Statute and by this Charter.

### Section 3-2: Members of the Town Meeting

Members of the Town Meeting shall be the voters of the Town.

### Section 3-3: Legal Notice

Legal notice of all Town Meetings shall be published in the Designated Medium as prescribed by law and posted on the exterior sign post at the Town Office Building, such posting and such publication to be at least five but not more than 15 days previous to holding the meeting, including the day that notice is given and any Sunday and any legal holiday which may intervene between such posting and such publication. The notice shall contain the place, date, and hour of the meeting and list all agenda items to be acted upon. Legal Notices, in addition to being published as prescribed by law, may be published in other newspapers or media. The Selectmen shall, on or before the day of such meeting, cause a copy of such warning, along with the return of posting, to be filed with the Town Clerk, who shall cause such copy and return to be recorded in the Town Meeting Record Book.

### Section 3-4: Organization and Procedures

- (a) All Town Meetings shall be called to order by the First Selectman or his/her representative.
- (b) All Town Meetings shall be presided over by a moderator selected by the voters attending.
- (c) All Town Meetings shall be conducted using Robert's Rules of Order.
- (d) The Moderator of all Town Meetings shall determine, by majority voice vote of the voters present, the method to be used for voting on agenda items. The method determined shall be one of the following: voice, show of hands, or checklist and ballot.
- (e) The clerk of a Town Meeting shall be the Town Clerk or, if absent, the Town Clerk's representative. This person shall be responsible for recording all actions of the Town Meeting.
- (f) If a Town Meeting votes to establish a committee to inquire and report to a subsequent Town Meeting, the Board of Selectmen shall choose the members of the committee in accordance with Section 5-17 of this charter.

### Section 3-5: The Annual Town Budget Meeting

The Annual Town Budget Meeting shall be held by the third Monday in May. Adoption of the annual budget shall be by majority vote of voters who are present and voting at the Annual Town Budget Meeting. The procedure to be followed in preparing and submitting the budget for the Annual Town Budget Meeting and the power of the Meeting with respect to the budget shall be as prescribed by Section 9-3 of this Charter. The Meeting shall have the power to decrease or delete any appropriation, or item in an appropriation, but not to make any appropriation for a purpose not recommended by the Board of Finance.

### Section 3-6: Special Town Meetings

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

### Section 3-7: Petitioned Town Meetings

The Board of Selectmen, whenever it shall receive a petition signed by 50 persons entitled to vote at Town Meetings, shall call a Special Town Meeting within 30 days. The matters which the petitioners for a Special Town Meeting desire acted upon, if they are proper subjects for action at a Town Meeting as determined by Town Counsel, shall be put in proper form for the call of a Town Meeting and for a Town Meeting Resolution, with the assistance of the Town Counsel, and those matters shall come first in the Town Meeting. The Board of Selectmen, at its discretion, may add other matters to the call of the meeting.

### Section 3-8: Ordinances - General Powers and Provisions

- (a) The Town Meeting shall have the sole power to enact or repeal Ordinances, except as provided in Section 6-5 of this charter and consistent with this Charter and the Statutes. Notice of any such action shall be in compliance with Section 3-3 of this Charter.
- (b) Any Ordinance enactment or Ordinance repeal may be initiated by a majority vote of the Board of Selectmen or by a petition signed by at least 50 electors of the town. The Board of Selectmen may, at its discretion, within 30 days after the Ordinance enactment or Ordinance repeal has been initiated, hold a public hearing on it. At least 10 days' notice of the hearing shall be published as prescribed by law and by making copies available at the Town Office Building.
- (c) Within 15 days after the hearing is called, or 30 days from the initiation of Ordinance enactment or Ordinance repeal, the Board of Selectmen shall submit the proposed Ordinance in full to a Town Meeting. The call for the proposed Meeting shall state the proposed Ordinance in full or in a format prepared by Town Counsel and shall provide for a yes or no vote. Such Ordinance, if enacted, shall be published within 10 days as prescribed by law and shall become effective 15 days after publication thereof.

### Section 3-9: Real Property

Approval of the acceptance or discontinuance of roads by the Town, the sale or other disposition of real estate of the Town used or reserved for Town purposes, and the purchase or other acquisition of real estate for such purposes shall require approval by a Town Meeting by majority of those qualified to vote who are present and voting at a Town Meeting.

ARTICLE IV: ELECTIONS AND ELECTIVE OFFICERS

Section 4-1: Town Elections

- (a) Municipal elections shall take place on the first Tuesday following the first Monday in November in odd-numbered years and in accordance with the Statutes.
- (b) Special Town elections may be called and held in accordance with the Statutes.
- (c) The Town Clerk and Justices of the Peace shall take office on the first Monday of January following their election.
- (d) Registrars of Voters and the Judge of Probate shall take office on the first Wednesday of January following their election.
- (e) District 17 Regional Board of Education officials shall take office on the first day of December following their election.
- (f) All Town Officials other than those identified in Sections (c), (d) and (e) above, shall take office on the second Tuesday following their election.

Section 4-2: Eligibility for Election

- (a) Only electors of the Town of Killingworth shall be eligible for election to any Town Office, and any person ceasing to be an elector of the Town shall cease to hold elective office in the Town and the office shall be deemed vacant.
- (b) All elective Officers shall be sworn within 30 days of election and before taking office or their office will be deemed vacant. The Officer administering the oath shall record such fact in the Town Clerk's Office.

Section 4-3: Minority Representation

- (a) Membership on all elective Boards of the Town shall be determined in accordance with minority representation laws as set forth by Section 9-167a in the Statutes.

<u>Total Membership</u>	<u>Maximum from One Party</u>
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two thirds of total membership

- (b) Minority representation requirements shall not apply to members of the District 17 Regional Board of Education, as set forth by Statute.



#### Section 4-4: Vacancies in Elective Offices

- (a) Any elected Officer other than the Town Clerk and the Judge of Probate wishing to resign from office including officials elected to the Regional Board of Education, shall submit his/her resignation in writing to the Town Clerk. Should the Town Clerk wish to resign, he/she shall submit his/her resignation in writing to the Board of Selectmen. Such resignations shall become effective the date submitted unless another date is specified therein.
- (b) Vacancies created by the demise of a Board member, or by a Board member's failure to be sworn or ceasing to be an elector, shall be reported by the chairman or, in his/her absence, the secretary of that Board, to the Town Clerk before the first meeting of the Board of Selectmen following creation of the vacancy.
- (c) The Town Clerk, upon receiving a resignation or notice of a vacancy, shall forthwith notify the Board of Selectmen, the chairmen of the Town Committees, and shall at the same time publish an announcement as prescribed by law and in such a way as to bring the resignation or vacancy to the attention of the Town. This announcement shall also identify the appointing authority.
- (d) A vacancy occurring on the Board of Finance or the Planning and Zoning Commission shall be filled, until the expiration of the term, by a vote of the remaining members. A Special Meeting, with at least 24 hours' notice, as required by Statute, shall be called for this purpose, and the vote shall be taken in public. However, if a vacancy is not filled within 45 days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy by appointment within 30 days thereafter.
- (e) Vacancies other than the Planning and Zoning Commission and the Board of Finance shall be filled by Board of Selectmen appointment within 45 days from the time the office becomes vacant. The Town Committee representing the party of the vacated official shall have 30 days in which to propose an appointee to the Board of Selectmen.
- (f) When the person vacating the office had been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party, if at all possible. In all cases, appointments must be made in compliance with minority representation and the Statutes. A vacancy shall not be considered filled until the person appointed to fill that vacancy has been sworn into office and the swearing has been recorded in the manner prescribed in Section 4-2(b) of this Charter.
- (g) Vacancies on the Board of Selectmen shall be filled in the manner prescribed by Section 9-222 of the Statutes.
- (h) An appointee to a vacancy in elective office shall serve until the expiration of the term.

#### Section 4-5: Minutes

- (a) Copies of all minutes taken by each Board shall be filed with the Town Clerk and with the First Selectman within seven days of the date on which such actions are taken and shall include the roll call vote of those present, a description of the various items of business discussed or transacted, a reference to all correspondence received, and the recorded vote of each member thereof on all issues.
- (b) The vote of each member upon any issue before a Board shall be reduced to writing and made available for public inspection at the Town Clerk's Office within 48 hours in accordance with Section 1-225 of the Statutes.

#### Section 4-6: Boards and Compensation of Officials

- (a) Except as otherwise provided in this Charter, all Boards authorized in this article shall meet within 30 days of taking office, shall elect a chairman and secretary, and may define rules of procedure for the conduct of their meetings and the execution of their duties. Such rules and any amendments thereto shall be filed with the Town Clerk and shall be public record.
- (b) The chairman and secretary of such Boards shall file with the Town Clerk, no later than January 31 of each year, the schedule of regular meetings for the ensuing year, and no such meetings will be held sooner than 30 days after such a schedule has been filed. Special Meetings shall require 24 hours' notice, except for emergencies, as provided in Section 1-225 of the Statutes.
- (c) Except as otherwise provided in this Charter, the compensation of all such Boards shall be as recommended by the Board of Selectmen and Board of Finance and shall be subject to the same budgeting procedure as is described in Article IX of the Charter. Officials serving without pay shall be reimbursed for just and necessary expenses incurred in the performance of their duties, subject to the limits of appropriations available for such purposes.
- (d) The First Selectman shall provide each person elected to a Board or Commission with a copy of the Ordinance or other source, including this Charter, which defines the duties of his/her office.

#### Section 4-7: Board of Selectmen and First Selectman

- (a) A Board of Selectmen, consisting of the First Selectman and two Selectmen, shall be elected for a term of two years at each municipal election.
- (b) No elector may be a candidate for both the position of First Selectman and that of Selectman. No more than two members of the Board of Selectmen may be members of the same political party.

#### Section 4-8: Tax Collector and Treasurer

- (a) At a municipal election there shall be elected a Tax Collector. The Tax Collector shall serve a term of four years and shall have the powers and duties prescribed by law.
- (b) At each municipal election there shall be elected a Treasurer. The Treasurer shall exercise the functions of the Agent of Town Deposit Fund. The Treasurer shall serve a term of two years and shall have the powers and duties prescribed by law.

#### Section 4-9: Registrars of Voters, Justices of the Peace, and the Town Clerk

- (a) The Town Clerk, elected at a municipal election, and the Registrars of Voters, elected at a state election, shall be elected for a term of four years.
- (b) The number of Justices of the Peace shall be 15, and they shall be nominated and qualified to serve in the manner provided by the Statutes. The Justices of the Peace shall serve the term of four years.

#### Section 4-10: Board of Finance

The Board of Finance shall consist of six members serving without compensation for four years each. Employees of the Town are not allowed to serve on the Board of Finance. The Board shall have the powers and duties prescribed by law and as described in Article IX of this Charter.

#### Section 4-11: Planning and Zoning Commission

The Planning and Zoning Commission shall consist of six members, serving without compensation for four years each. There shall be three alternates, also serving without compensation for four years each. Employees of the Town are not allowed to serve on the Planning and Zoning Commission. The Commission shall have the powers and duties prescribed by Statutes.

The functions and responsibilities of the Commission shall include the following:

- preparation and adoption of a Plan of Development,
- designation of zoning districts in accordance with that Plan, and
- preparation, adoption, and implementation of zoning and subdivision regulations in furtherance of the Plan of Development and the long-term health and safety of the Town,

all as specified in Chapters 124 and 126 of the Statutes. To the extent provided by the Statutes, and within the limits of its appropriations, the Commission may, by vote of a majority of its members, engage such employees, including legal counsel, as are necessary for its work and may contract with professional consultants.

#### Section 4-12: Zoning Board of Appeals

The Zoning Board of Appeals shall consist of five members, serving without compensation for four years each. There shall be three alternates, also serving four years each. Employees of the Town are not allowed to serve on the Zoning Board of Appeals. Such Board shall have the powers and duties as prescribed by the law.

The functions and responsibilities of the Board include the following: (1) hearing and deciding appeals where it is alleged there is an error in any order, requirement, or decision made under Chapter 124 of the Statutes; (2) hearing and deciding special exceptions as required by the specific terms of the zoning bylaws; and (3) determining and varying the application of zoning bylaws, Ordinances, or regulations solely with respect to a parcel of land for reasons of unusual hardship, as specified in Chapter 124 of the Statutes.

#### Section 4-13: Board of Assessment Appeals

- (a) The Board of Assessment Appeals shall consist of three members serving four years each.
- (b) The functions and responsibilities of this Board shall consist of the hearing of grievances regarding tax assessments and the making of adjustments to the Grand List as provided for by Section 12-111 of the Statutes.

#### Section 4-14: The Board of Fire Commissioners

- (a) The Board of Fire Commissioners shall consist of three members: two elected Commissioners, one from each political party elected at each municipal election for a term of two years, and one Commissioner who will be the Senior Trustee duly elected by the Fire Company.
- (b) The Board of Fire Commissioners shall enter into an agreement, in writing, with the Killingworth Volunteer Fire Company for the protection of the Town from fire; shall act as an advisory Board to the Fire Company; shall submit through the Board of Selectmen and the Board of Finance to each Annual Town Budget Meeting a fire protection budget with a request for an appropriation therefore; and shall have the duty of making all disbursements under the Town's appropriation for fire protection.
- (c) The Board of Fire Commissioners shall appoint a Fire Marshal and such Deputy Fire Marshals as may be necessary in accordance with Section 8-7 of this Charter.

#### Section 4-15: District 17 Regional Board of Education

The Town shall elect five members to the District 17 Regional Board of Education, subject to such future adjustments as are necessary to insure balanced representation of member towns. Members elected to the Regional Board of Education shall serve four years each, and vacancies on the Board shall be filled by vote at a Town Meeting, as provided for in Section 10-46 of the Statutes, to serve until a successor is chosen and qualified at the next municipal election, at which time a successor shall be elected to serve any unexpired portions of that term.

#### Section 4-16: Additional Elective Boards and Commissions

Additional Boards may be established by Ordinance submitted to and approved by a Town Meeting. Such Ordinance shall specify the Board's powers and duties, number of members, terms of office, and method of filling vacancies.

#### Section 4-17: Terms of Office

No Board authorized in Sections 4-10 through 4-15 of this Charter shall have more than a bare majority of terms of office expiring at the same election, except that the Board of Finance and the Planning and Zoning Commission shall have no more than half of the terms expiring at the same election.

## ARTICLE V: APPOINTIVE BOARDS AND COMMITTEES

### Section 5-1: Appointments

- (a) Unless otherwise provided by this Charter or by Ordinance, the members of all appointive Boards shall be appointed by the Board of Selectmen, and the term of office of such members shall be for four years or less.
- (b) The following Boards are authorized by this Charter, Ordinance, Resolution, or the Statutes: the Conservation Commission, the Inland Wetlands and Watercourses Commission, the Park and Recreation Commission, the Public Health Nursing Agency, and the Water Pollution Control Authority.
- (c) The Board of Selectmen may not make or submit appointments that do not commence during the term of office of the Board of Selectmen. During the period between Election Day and the day newly elected Board of Selectmen assume office, the Board of Selectmen may make no appointments to appointive Boards.

### Section 5-2: Eligibility for Appointment

- (a) Only electors of the Town of Killingworth shall be eligible for appointment. A person ceasing to be an elector of the Town shall cease to hold office in the town, and the office will be deemed vacant.
- (b) All appointed members shall be sworn within 30 days of appointment, and before taking office, or their office will be deemed vacant. The Officer administering the oath shall record such fact in the Town Clerk's Office.

### Section 5-3: Minority Representation

- (a) Membership on all appointive Boards shall be determined in accordance with the minority representation laws as set forth in Section 9-167a of the Statutes and Section 4-3 of this Charter.

### Section 5-4: Vacancies in Appointive Offices

- (a) Any appointed member wishing to resign from office shall submit his/her resignation in writing to the Town Clerk. Such resignation shall become effective on the date submitted unless another date is specified therein.
- (b) Vacancies created by the demise of a Board member, or by a Board member's failure to be sworn or ceasing to be an elector, shall be reported by the chairman or his/her designee, to the Town Clerk before the first meeting of the Board of Selectmen following creation of the vacancy.
- (c) The Town Clerk, upon receiving a resignation or notice of a vacancy, shall forthwith notify the Board of Selectmen and the chairmen of the Town Committees, and shall at the same time publish an announcement as prescribed by law and at his/her option, other newspapers or media in such a way as to bring the resignation or vacancy to the attention of the Town. This announcement shall also identify the appointing authority.

- (d) Vacancies shall be filled by Board of Selectmen appointment within 45 days from the time the office becomes vacant. The Town Committee representing the party of the vacated appointed member shall have 30 days in which to propose an appointee to the Board of Selectmen.
- (e) When the person vacating the office had been appointed as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party, if at all possible. In all cases, appointments must be made in compliance with minority representation and the Statutes. A vacancy shall not be considered filled until the person appointed to fill that vacancy has been sworn into office and the swearing has been recorded in the manner prescribed in Section 5-2(b) of this Charter.
- (f) An appointee to a vacancy in appointive office shall serve the remaining term of the member being replaced.

#### Section 5-5: Minutes

- (a) Copies of all minutes taken by each Board shall be filed with the Town Clerk and with the First Selectman within seven days of the date on which such actions are taken and shall include the roll call vote of those present, a description of the various items of business discussed or transacted, a reference to all correspondence received, and the recorded vote of each member thereof on all issues.
- (b) The vote of each member upon any issue before a Board shall be reduced to writing and made available for public inspection at the Town Clerk's Office within 48 hours in accordance with Section 1-225 of the Statutes.

#### Section 5-6: Boards and Compensation of Officials

- (a) Except as otherwise provided in this Charter, all Boards authorized in this Article V shall meet within 30 days of taking office, shall elect a chairman and secretary, and may define rules of procedure for the conduct of their meetings and the execution of their duties. Such rules and any amendments thereto shall be filed with the Town Clerk and shall be public records.
- (b) The chairman or his/her designee of such Boards shall file with the Town Clerk, no later than January 31 of each year, the schedule of regular meetings for the ensuing year. Such rules and any amendments thereto shall be filed with the Town Clerk and shall be public records.
- (c) Except as otherwise provided in this Charter, the compensation of all such Boards shall be as recommended by the Board of Selectmen and Board of Finance and shall be subject to the same budgeting procedure as is described in Article IX of this Charter. Officials serving without pay shall be reimbursed for just and necessary expenses incurred in the performance of their duties, subject to the limits of appropriations available for such purposes.
- (d) The First Selectman shall provide each person appointed to a Board or Commission with a copy of the Ordinance or other source, including this Charter, which defines the duties of his/her office.

#### Section 5-7: Conservation Commission

The Conservation Commission shall consist of seven members, appointed by the Board of Selectmen serving without compensation for three-year terms ending on December 31. Each year two members are to be appointed, except every third year three members are to be appointed. Vacancies shall be filled by appointment by the Board of Selectmen. The Commission shall make recommendations to the Board of Selectmen for the development, conservation, supervision and regulation of natural resources in accordance with Section 7-131 of the Statutes.

#### Section 5-8: Inland Wetlands and Watercourse Commission

The Inland Wetlands and Watercourses Commission shall consist of seven members serving without compensation for three-year terms ending on December 31. Each year two members are to be appointed, except every third year three members are to be appointed. Members are not allowed to hold any salaried municipal office. At least two members of the total Commission shall have been endorsed by the Planning and Zoning Commission prior to appointment. At least two members of the total Commission shall have been endorsed by the Conservation Commission prior to appointment. The Inland Wetlands and Watercourses Commission is authorized and established in accordance with the provisions of the Statutes.

#### Section 5-9: The Park and Recreation Commission

The Park and Recreation Commission shall consist of seven members serving without compensation for three-year terms ending on December 31. The Commission shall plan the development of municipal recreation facilities for the children, youth, and adults of the Town of Killingworth, shall establish and maintain such facilities, and shall supervise and adopt rules for the use of such facilities. The Park and Recreation Commission shall function in cooperation with the Haddam-Killingworth Recreation Authority.

#### Section 5-10: The Public Health Nursing Agency

The Public Health Nursing Agency shall consist of not more than 10 members named and appointed by the Director of Health for three-year terms to assist in the administration of a public health nursing service. Included in the 10-member Agency shall be a representative from Town government as determined by the Board of Selectmen and a representative from the school staff as determined by the Board of Education. Each year three members are to be appointed, except every third year four members are to be appointed.

#### Section 5-11: The Water Pollution Control Authority

The Water Pollution Control Authority shall consist of five members serving without compensation for three-year terms ending December 31. The Authority shall have the powers and duties as set forth in Chapter 103 of the Statutes. The Authority shall prepare and periodically update a water pollution control plan and regulations for the Town of Killingworth in the manner provided by the Statutes. Such periodic updating shall be accomplished not less frequently than every five years after the completion of the initial plan, and in addition to the filing requirements of the Statutes, the Authority shall file a copy of the plan and any periodic update with the Town Clerk.

#### Section 5-12: Building Board of Appeals

There may be a Building Board of Appeals consisting of five members who shall be appointed by the Board of Selectmen in accordance with the State Building Code and the Statutes, for terms of five years, expiring on December 31. The powers and duties imposed and conferred in the State Building Code and the Statutes shall govern this Board.

#### Section 5-13: Intentionally left vacant

#### Section 5-14: Membership in Regional Organizations

- (a) The Town, as a member of the Connecticut River Estuary Regional Planning Agency, shall have two representatives to the Agency serving without compensation for two-year terms ending December 31. One representative shall be appointed by the Killingworth Planning and Zoning Commission, and one shall be appointed by the Board of Selectmen.
- (b) Other regional agencies of which the Town of Killingworth is a member: Catchment Area Council #10 Commission of Mental Health, one representative; Advisory Council for Cable Television, one representative; Joint Building Code Board of Appeals, one representative; South Central Connecticut Regional Water Authority, one representative; Estuary Transit District, one representative; and Haddam-Killingworth Recreation Authority, three representatives. The appointments to these regional agencies are made based upon the specifications required by each individual regional agency.
- (c) The Town may, by Ordinance approved by a Town Meeting, join, determine how it shall choose representatives, or discontinue its membership in any regional or intergovernmental organization in any manner as is consistent with this Charter and pursuant to provisions in the Statutes.
- (d) The Selectmen may also join regional study organizations that do not require budget actions by the Town.

#### Section 5-15: Additional Appointive Boards

Additional appointive Boards may be created and their powers and duties specified by Ordinance passed at a Town Meeting. By Ordinance, appointive Boards authorized by this Section may be abolished or consolidated, their powers and duties may be altered, and the number or terms of office of their members may be changed.

#### Section 5-16: Terms of Office

All terms shall be established to expire as nearly as possible at regularly staggered annual or biennial intervals. A member shall continue to hold office until his/her successor has been appointed and has qualified.

#### Section 5-17: Committees

- (a) Committees may be established by vote at a Town Meeting or by vote of the Board of Selectmen. Committees established by vote at a Town Meeting may be either temporary or permanent. Committees established by the Board of Selectmen shall terminate 30 days after the next municipal election unless a termination date has been set when the Committee was established.



- (b) Appointments and terms: Except as otherwise provided by the Ordinance or Resolution establishing a committee, the term of office of appointees to committees shall terminate 30 days after the next municipal election. The Board of Selectmen shall act as the initial appointing authority, shall choose successors, and shall fill all vacancies, except that if the committee was established by vote at a Town Meeting and the members of that committee were either elected or confirmed by the Town Meeting, the Board of Selectmen shall call a Special Town Meeting for filling any vacancy or choosing successors, and the incumbents may remain in office until their successors have been duly chosen in this manner.
- (c) Duties and procedures: Committees shall choose, at their first meeting, a chairman, unless a chairman has already been designated by the appointing authority, and a secretary. They shall have on file with the Town Clerk and the Board of Selectmen a schedule of the time and place of such regular meetings as the committee intends to hold over the ensuing months; they shall maintain simple official minutes indicating meeting held, members and others present, actions taken, and a record of correspondence; and they shall file a report of such activities with the Board of Selectmen and Board of Finance such that it may be included by the Board of Finance in that year's Annual Town Report.
- (d) Powers: Committees established by vote of the Board of Selectmen shall have only those powers and duties which may be delegated to them by the Board of Selectmen; Committees established by vote of a Town Meeting shall have such powers and duties as that Town Meeting shall determine, except that no committee shall infringe on the powers or impede the duties which the Statutes or this Charter assigns to Town Officers, Boards and Commissions.

#### Section 5-18: Removal for Cause

- (a) A member of an appointive Board or Committee may be removed for cause by the Board of Selectmen, but no such removal for cause shall be effected unless the member has both received a statement in writing, prepared either by the First Selectman or by the remaining members of the appointive Board, detailing the reasons why he/she should be removed, and has been afforded an opportunity for a hearing before the Board of Selectmen, at which he/she may appear with counsel, within 15 days after delivery of the notice to remove.
- (b) Any member of an appointed Board or Committee who misses three consecutive meetings, without just cause, may be removed by the Board of Selectmen who will fill the vacancy thus created.

## ARTICLE VI: BOARD OF SELECTMEN

### Section 6-1: Composition

The members of the Board of Selectmen shall be the First Selectman and two Selectmen who shall be compensated and reimbursed for expenses in such manner and amount as may be determined at the Annual Town Budget Meeting. No more than two members of this Board shall be members of the same political party. The method of election, term of office, and qualifications for members of the Board of Selectmen shall be as specified in Article IV of this Charter. No member of the Board of Selectmen shall, during his/her term in office, hold or be appointed to any other Office, Board, Commission, or position of employment in the Government of Killingworth, except as may be specifically provided for in other sections of this Charter.

### Section 6-2: Procedure and General Powers

- (a) At its first meeting following each municipal election, the Board of Selectmen, in accordance with this Charter, shall fix the time and place of its regular meetings, to be held at least once a month during the evening hours. They shall provide a method for the calling of Special Meetings, consistent with Section 1-225 of the Statutes. They shall designate which Selectman shall be the acting First Selectman to act in the place of the First Selectman in the event of his/her absence or disability. The First Selectman shall preside over the meetings of the Board of Selectmen. The Board shall, by Resolution, determine its own rules of procedure, except that each Selectman shall always retain the ability to make a motion or offer a proposal, which shall be considered by the Board of Selectmen, without the necessity of a second.
- (b) A Special Meeting of the Board of Selectmen may be called at any time by the First Selectman or any two Selectmen. The person or persons calling a Special Meeting shall do so in accordance with Section 1-225 of the Statutes and shall give 24 hours' advance notice of such meeting to the other Selectmen. Special notice to the other Selectmen may be waived, however, by a written waiver signed by all members of the Board of Selectmen and filed with the Town Clerk any time before or within 30 days after the meeting.
- (c) All meetings of the Board of Selectmen for the transaction of business shall be open to the public. The votes of each member shall be recorded at the session at which they occur and reported in the minutes of such meeting. Minutes shall be taken and filed, and votes shall be recorded and published, in accordance with Section 4-5 of this Charter. Two members shall constitute a quorum, and no Resolution or action shall be adopted by less than two affirmative votes.
- (d) The Board of Selectmen shall supervise the administration of the affairs of the Town, except those matters which, according to this Charter, are exclusively assigned to other agencies or Boards.
- (e) The Board of Selectmen shall be responsible for coordinating the activities of all the agencies of the Town and for keeping under review the present and future needs of the Town. The Board may require such reports and joint meetings as may be useful to it in the performance of its duties.

### Section 6-3: Special Powers and Duties

In addition to these general powers, and, except for the powers assigned to the Board of Finance by the Statutes, the Selectmen shall have the power, subject to the provisions of the Statutes and this Charter, and the necessary approvals of the Town Meeting as specified by law and this Charter

- (a) to incur indebtedness in the name of the Town and to provide for the due execution of contracts and evidences of indebtedness issued by the Town;
- (b) to take, purchase, lease, sell, or convey real or personal property of or for the Town;
- (c) to institute, prosecute, defend, or compromise any legal action or proceeding by or against the Town;
- (d) to enter into contracts for any services and to purchase, or contract to purchase, any supplies, materials, equipment, and other commodities required by any Town agency, except the Board of Finance with respect to the Town audit as provided in Section 9-1(e) of this Charter. The Board of Selectmen may delegate its powers in this Subsection (d) to any Town agency;
- (e) to employ such staff with such powers, duties, and responsibilities, as it may deem desirable, to carry out the duties and responsibilities of the Board of Selectmen, within the confines of its budget as approved by the Annual Town Budget Meeting;
- (f) to issue notes in anticipation of tax collections owed to the Town and payable within the fiscal year and to issue bonds or other notes when authorized by a Town Meeting, in each instance upon such terms and conditions as the Board of Selectmen may approve, including without limitation the manner and form of issues and sale thereof, the date and rate of interest thereof, the designation of a bank or trust company to act as certifying or paying agent thereof, and the designation of the person to sign such notes in the name of or on behalf of the Town;
- (g) to accept, or refuse to accept, roads offered to the Town, and
- (g) to discontinue town roads.

### Section 6-4: Powers with Respect to Ordinance

The Board of Selectmen may propose to a duly called Town Meeting, Ordinances consistent with the Statutes and this Charter on any matter that the Statutes authorize to be legislated by Ordinance and which in general would serve to aid in the preservation of the good order, health, welfare, and safety of the Town.

### Section 6-5: Powers to Enact Emergency Ordinances

On a declaration of state of public emergency, as provided for in Section 7-6 of this Charter, the Board of Selectmen may enact Ordinances consistent with this Charter to meet such emergencies. Such emergency Ordinances shall become effective once published by the most effective means available. They shall remain in effect for no more than 60 days and not beyond the duration of the emergency, unless ratified by a Town Meeting. They may be repealed by vote of the Board of Selectmen or a Town Meeting.

## ARTICLE VII: THE FIRST SELECTMAN

### Section 7-1: The First Selectman

The election, term of office, and qualifications of the First Selectman shall be in accordance with Article IV of this Charter and the compensation in accordance with Article VI.

### Section 7-2: Chief Executive and Administrative Officer

- (a) The First Selectman shall be the chief executive and administrative officer of the Town and shall spend such time as is required to carry out his/her duties, as charged by the Statutes and specifically described in Section 7-3 of this Charter.
- (b) To the extent not inconsistent with this Charter, the First Selectman shall have all powers, duties, and responsibilities conferred upon that office by General Statute or by applicable Special Act, or by Ordinance, and shall perform all the functions of that office.
- (c) The First Selectman shall be a full voting and participating member of the Board of Selectmen.
- (d) The First Selectman shall be an ex-officio member of all agencies of the Town, but without the power to vote. He/she may, in writing, appoint a Selectman to be his/her representative on any agency, but without the power to vote.

### Section 7-3: Duties of the First Selectman

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

- (a) administering the Town's personnel policies, creating and updating job descriptions, completing annual performance evaluations for appointed and hired personnel no later than September 1 of each year, and directing and supervising the performance of said personnel whether appointed or hired;
- (b) overseeing the Administrative Assistant's coordination of all personnel scheduling, vacation and other planned absences so that each office is properly and continuously staffed during its normal working hours;
- (c) coordinating the administration and future planning of every Town agency, except for those functions expressly reserved or delegated to such Town agency by law or this Charter;
- (d) making a continuous review of the current and future needs of the Town, including financial needs and budget requirements, and keeping the Board of Selectmen fully informed as to the financial condition of the Town;
- (e) executing, or causing to be executed, the Ordinances, regulations, Resolutions, or policies voted by the Board of Selectmen or the Town Meeting;
- (f) informing the Board of Selectmen of the availability of, and the requirements for, such Federal and/or State funds for which the Town may qualify which information shall be made available to the Board of Finance in accordance with Article IX of this Charter;

- (g) insuring the implementation of proper financial procedures including, but not limited to, bidding procedures currently in effect, record keeping, and accounting methods for which the Board of Finance may lawfully and reasonably prescribe for those Town agencies over which the First Selectman has jurisdiction;
- (h) coordinating and guiding the Board of Selectmen in the discharge of all the Board's duties and responsibilities;
- (i) developing a prioritized set of objectives for the coming fiscal year, which shall serve as a policy guide in the development of the Annual Town Budget;
- (j) insuring that full and complete records of the activities of his/her office are kept, making periodic reports to the Board of Selectmen and the Board of Finance, recommending to the Board of Selectmen such motions as he/she shall deem necessary or expedient, and keeping or causing to be kept, complete books of account showing the financial transactions and condition of the Town and all other accounts and records as may be prescribed by the Board of Finance pursuant to the Statutes or this Charter;
- (k) performing the duties which Section 8-15 of this Charter assigns to the Director of Public Works in the event that the position is vacant;
- (l) performing other duties that the Statutes assign to the Chief Executive in the absence of such separate municipal appointive officials as police chief or welfare officer;
- (m) designating a daily medium having a general readership that includes the Town of Killingworth, which medium shall be the "Designated Medium" to be used for all Legal Notices required by this Charter or the Statutes;
- (n) informing all Town agencies that their budgets are to be submitted to the Board of Selectmen by a date in January specified by the Board of Selectmen; and
- (o) insuring that all fees collected by any Town agency, other than the Judge of Probate, are remitted to the General Fund.

#### Section 7-4: Appointees and Employees

- (a) The First Selectman, with the approval of the Board of Selectmen, shall appoint, hire and determine the conditions of such appointment or employment and may remove any person appointed or hired as may be required pursuant to the performance of the First Selectman's duties. All appointed and hired persons shall be engaged under the terms of a job description that delineates duties, responsibilities and performance expectations of the specific position. During the period between Election Day and the day newly elected officials assume office, the First Selectman and/or the Board of Selectmen shall make no appointment, hire, or termination of any appointed or hired personnel.
- (b) The First Selectman, with the approval of the Board of Selectmen, may appoint and remove members to such advisory committees as he/she may wish to establish to assist him/her, or the Board of Selectmen, in carrying out the duties and responsibilities of their respective offices. Such committees shall be subject to the provision of Section 5-17 of this Charter and shall serve without compensation. Their authority shall be limited to assembling information and making recommendations within the limits prescribed by the Board of Selectmen. During the period between Election Day and the day newly elected Board of Selectmen assume office, the First Selectman and/or the Board of Selectmen shall make no appointment or termination of any member of any advisory committee.

- (c) Upon temporary absence of the First Selectman lasting 30 days or less, the Acting First Selectman, as determined under the provisions of Section 6-2 (a) of this Charter, shall not exercise the appointing authority vested in the Office of First Selectman under the provisions of Sections 7-4 (a) and 7-4 (b).

#### Section 7-5: Duties Relating to the Budget

- (a) With the guidance of the Board of Selectmen and with advice of and consultation with the Director of Finance, the First Selectman shall prepare the preliminary Town Budget based upon the preliminary budgets submitted by the Town agencies in accordance with the manner required by the Board of Finance.
- (b) The preliminary Town Budget shall be submitted to the Board of Finance no later than the second Monday in March.
- (c) The First Selectman shall be responsible for seeing that the Board of Selectmen is fully informed as to the final budget to be presented at the Annual Town Budget Meeting of the Town.
- (d) The First Selectman shall act as purchasing agent of the Town, subject to such rules and regulations as may be prescribed by the Board of Selectmen and elsewhere in this Charter.
- (e) The First Selectman shall purchase, or alternatively provide, budgeted agencies with the necessary authority and directions for purchasing all supplies, services, materials, equipment, and other budgeted commodities in a manner which complies with both State and Federal law and such rules and regulations as shall be prescribed by the Board of Selectmen, in accordance with Sections 6-3(d) and 9-5 of this Charter. Rules and regulations established by the Board of Selectmen regarding the method of purchasing by budgeted agencies shall apply uniformly to offices and agencies of the Town to the extent that they are dependent on the budget of the Town for the money being expended. The First Selectman shall be responsible for informing such Town agencies of the regulations.

#### Section 7-6: Emergencies

- (a) In the event that the First Selectman shall find that a state of emergency exists within the Town requiring immediate action to protect the health, safety, and general welfare of the citizens, he/she may declare that such a state of emergency exists and publish such declaration by the most effective means possible and take such action as shall be in the best interest of the Town, provided that the Board of Selectmen shall meet as soon as possible to ratify such action and to take such further action as may be required by this Charter.
- (b) A state of emergency shall terminate when so voted by the Board of Selectmen or declared in writing by the First Selectman or by vote of a Town Meeting.

#### Section 7-7: Delegation of Duties

To assist in the discharge of the duties and responsibilities of his/her office and of the Board of Selectmen, the First Selectman may assign and delegate duties to Selectmen and to officers responsible to him/her, except as to powers and duties which may under the Statutes not be so delegated. Such assignments and delegations, if permanent, shall be made public knowledge through posting on the Town Bulletin Board and shall be filed with the Town Clerk and shall be made known to any Town agencies affected.

Section 7-8: Other

The First Selectman, during his/her term of office, shall not hold any other civil office which provides compensation under the government of the United States or the State of Connecticut except that of Notary Public, nor shall he hold any of those offices which are considered incompatible with that of First Selectman in terms of the Statutes.

## ARTICLE VIII: ADMINISTRATIVE OFFICES AND AGENCIES

### Section 8-1: Administrative Offices and Departments

- (a) The following Administrative Offices and Departments are authorized by this Charter, Ordinance, Resolution, or the Statutes: Assessor, Director of Emergency Management, Director of Finance, Director of Health, Director of Public Works, Fire Department, Fire Marshal, Office of the Selectmen, Town Counsel, Town Engineer and/or Engineering Firm, Wardens, Open Burning Official, Building Official, Sanitarian, Wetlands Enforcement Officer, and Zoning Enforcement Officer.
- (b) The Board of Selectmen may recommend to a Town Meeting, as provided in Article III of this Charter, the creation of such additional administrative offices and departments as it may deem appropriate and necessary to the best interest of the Town.

### Section 8-2: Appointments

- (a) Administrative officers and department heads shall be appointed in the manner hereinafter provided. Appointees of the First Selectman shall be appointed and may be removed in accordance with provisions of Section 7-4 of this Charter.
- (b) Any vacancy in an administrative office, whatever the cause, shall be filled by the appointing authority for such office. Persons appointed to fill vacancies in the 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 8-3: Assessor

The Board of Selectmen shall appoint and may remove an Assessor who is a certified Connecticut Municipal Assessor, certified by the State Tax Commissioner who shall serve a term of one year commencing on April 1. The Assessor shall have the powers and duties prescribed by law. The Assessor shall be responsible for the preparation of an Annual Grand List, the evaluation of real and personal property and motor vehicles so that they may be properly taxed, and the performance of other functions as otherwise prescribed by law.

### Section 8-4: Director of Emergency Management

The Board of Selectmen shall appoint and may remove the Director of Emergency Management for the Town. He/she shall have all the powers and duties prescribed in the Statutes and Town Ordinances and such other powers as may be prescribed by the Board of Selectmen and as prescribed by law. Deputy Directors of Emergency Management shall be appointed by the Board of Selectmen as required and as prescribed by law. The Director of Emergency Management shall be appointed annually on January 1 for a term of one year.

### Section 8-5: Director of Health

The Board of Selectmen shall appoint and may remove a Director of Health who shall be appointed for a term of four years. The Director of Health shall meet the requirements of the Connecticut Department of Public Health and shall have all the powers and duties of that office prescribed in the Statutes and Town Ordinance. The Board of Selectmen may also appoint and may remove a separate Certified Food Services Inspector and/or Restaurant Inspector.



#### Section 8-6: Fire Department

The Killingworth Volunteer Fire Company, Inc., shall be responsible for the prevention, control and extinguishing of fires, and shall perform all functions usually associated with a Town Fire Department. The relationship of the Fire Company, Board of Fire Commissioners and the Town of Killingworth is stated in Section 4-14 of this Charter.

#### Section 8-7: Fire Marshal

The Board of Fire Commissioners shall appoint a Fire Marshal and Deputy Fire Marshals as may be necessary. They shall be certified by the State Fire Marshal as being qualified for the duties of this office in accordance with Section 29-297 of the Statutes. The Fire Marshal shall have the powers and duties prescribed by Statute. The Deputy Fire Marshal shall act for the Fire Marshal in the event of his absence or disability. The Fire Marshals shall be sworn to the faithful performance of their duties by the Town Clerk and shall continue to serve until removed for cause in the manner provided by Statute.

#### Section 8-8: Open Burning Official

The Board of Selectmen shall appoint and may remove an Open Burning Official who is authorized to grant or deny open burning permits in accordance with Section 22a-174 of the Statutes as amended, the regulations of the Department of Environmental Protection and the Ordinances of this Town.

#### Section 8-9: Town Counsel

The Board of Selectmen, by Resolution, shall appoint no later than 30 days after the commencement of its term of office, and may remove and replace, a Town Counsel, an attorney-at-law or a firm of attorneys-at-law admitted to practice in the State of Connecticut, to represent the Town for a maximum term of two years. The Town Counsel or Firm shall be a qualified attorney admitted to practice law in the State of Connecticut.

The Town Counsel or Firm shall furnish such legal services to the Town, its Officers, and agencies as the Board of Selectmen may authorize and shall be the legal advisor to such Town Officers or agencies in all matters affecting the Town; and shall, upon written request submitted to him/her through the Board of Selectmen, provide a written opinion on any question of law involving the respective powers and/or duties of the Officers or agencies. If for special circumstances the Board of Selectmen deems it advisable, it may, by Resolution, provide for the temporary employment of counsel other than or in addition to the Town Counsel or Firm.

It shall be the responsibility of the Board of Selectmen to insure that Town Boards and Commissions have access to such legal services as are required for the proper interpretation and enforcement of the laws they administer. For such purposes, Boards and Commissions, with the approval of the Board of Selectmen, may employ specialized legal counsel for specific and unusual purposes.

#### Section 8-10: Town Engineer

The Board of Selectmen shall appoint and may remove a Town Engineer and/or Engineering Firm. The Town Engineer or Firm shall be qualified professional civil engineers, registered to practice in this State, in accordance with the provisions of Chapter 391 of the Statutes. The Town Engineer and/or firm shall provide engineering services to all Town offices and Boards, under the direction of the Board of Selectmen. The Town Engineer or Firm shall be appointed on January 1 for a maximum term of two years.

#### Section 8-11: Wardens

The Board of Selectmen shall appoint, and may remove, a Dog Warden and a Tree Warden who shall serve for a term of one year beginning on January 1 of each year and shall have the powers and duties prescribed by law and Town Ordinance.

#### Section 8-12: Enforcement Officers

- (a) **Building Official:** The Board of Selectmen shall appoint, and may remove, the Building Official who shall serve a term of four years commencing on January 1. The Building Official shall also serve as the Demolition Official. The individual appointed shall meet the qualifications and perform the duties prescribed for those offices by the Statutes, the State Building Code, and Town Ordinances.
- (b) **Sanitarian:** The Board of Selectmen shall appoint, and may remove, the Sanitarian who shall serve a term of one year commencing on January 1. The Board of Selectmen shall solicit, but shall not be bound by, recommendations regarding the Sanitarian from the Director of Health, the Planning and Zoning Commission, and the Water Pollution Control Authority. The Sanitarian shall meet the qualifications and perform the duties prescribed for the office by the Statutes and Town Ordinances.
- (c) **Wetlands Enforcement Officer:** The Board of Selectmen shall appoint, and may remove, the Wetlands Enforcement Officer who shall serve a term of one year commencing on January 1. The Board of Selectmen shall solicit, but shall not be bound by, a recommendation regarding the Wetlands Enforcement Officer from the Inland Wetlands and Watercourses Commission. The Wetlands Enforcement Officer shall have all the powers and duties prescribed by law and Town Ordinances.
- (d) **Zoning Enforcement Officer:** The Planning and Zoning Commission shall appoint, and may remove, the Zoning Enforcement Officer who shall serve a term of one year commencing on January 1. The Planning and Zoning Commission shall solicit, but shall not be bound by, a recommendation regarding the Zoning Enforcement Officer from the Board of Selectmen. The Zoning Enforcement Officer shall have the powers and duties prescribed by law and Town Ordinances.

#### Section 8-13: Employees

The First Selectman shall, in consultation with the Board of Selectmen, hire, suspend, and remove employees of the Town, except employees in certain offices, such as the Office of Judge of Probate, Tax Collector, Treasurer and Town Clerk, whose employment and removal is otherwise provided by this Charter. The First Selectman in concurrence with the Board of Selectmen may by regulation delegate this power to other agencies of the Town with respect to employees in such agencies. Each elected and appointed Board and/or Commission shall be responsible for the hiring of its own clerk(s) or secretary(ies).

- (a) The Board of Finance is responsible for proposing guidelines for salaries and mileage reimbursement rates and for communicating these guidelines to the Board of Selectmen. Based upon these guidelines, the First Selectman with the concurrence of the Board of Selectmen shall by regulation establish wage and salary scales, job descriptions, and working hours of any class of employees other than those excepted in Subsection (a) above. Wage and salary scales are subject to approval by the Board of Finance, in consultation with the Board of Selectmen, except as provided for in Section 8-13(c).

- (b) Uniform procedures for the recruitment and removal of all classifications of employees and a general merit system may be established by Ordinance. Until such procedures are adopted, hiring of employees except for temporary assignments and those excepted in Subsection (a) above shall be done with due public notice and on the basis of job and salary descriptions available to all applicants.
- (c) In any collective bargaining negotiations, the rights of the parties shall be controlled by Statutes. A member of the Board of Finance may attend the negotiation sessions in an advisory capacity.

#### Section 8-14: Director of Finance

The Director of Finance shall, among other things, be responsible for the following: reviewing and recording all invoices and other requests for disbursement; preparing all checks for disbursements that have been approved by the Selectmen; maintaining control over and reconciling all Town accounts; preparing all payrolls and maintaining all payroll-related records; managing and coordinating the budgeting process, including but not limited to preparing budget request forms, compiling of all budget requests for review by Selectmen, working with Selectmen to prepare a budget for submission to Board of Finance, and preparing final budget documentation approved by the Board of Finance; managing the grant application process, including but not limited to compliance with submission rules, recording of actions taken, and accounting for funds received and disbursements against those funds; reviewing and evaluating of all insurance coverage for the Town and its personnel including the solicitation of new bids for coverage as may be appropriate; preparing tax reporting such as Form 1099 as may be required and not covered by other outside services; and performing other finance-related responsibilities as may be assigned by the Board of Selectmen.

#### Section 8-15: Director of Public Works

The Director of Public Works shall, among other things, be responsible for the following: managing of the Highway Department, long- and short-range budgeting and planning to meet the Town's highway needs; the managing, budgeting, and planning for all maintenance of Town-owned properties, not otherwise covered by contract or lease, including the mechanical systems which may service those properties (i.e., phone, electrical, HVAC, etc.); managing, budgeting, and planning for operation of the Town Transfer Station; certain other engineering activities/duties for the Town as may be assigned by the Board of Selectmen.

The Director of Public Works shall hire and may remove personnel in all areas for which he/she is responsible, and in so doing he/she shall be subject to such rules and regulations concerning Town employees pursuant to the provisions of Section 8-13 of this Charter or as otherwise may be adopted by the Board of Selectmen or Town Meeting.

#### Section 8-16: Administrative Assistant

The office of the Selectmen shall have an Administrative Assistant whose duties, among other things, include responsibility for the following: providing administrative support to the Board of Selectmen; maintaining records of all communications originating from or received by the Board; processing all Freedom of Information Act requests; creating and maintaining an annual seasonal, monthly, and weekly operational calendar of obligations, deadlines, and position appointments for all departments; managing and coordinating the centralized ordering of all expendable supplies for departments operating within the Town Hall; preparing and maintaining personnel files for all employees; arranging for personnel training; coordinating all personnel scheduling, vacation, and other planned absences for all elected, appointed, or hired administrative personnel, so that each office is properly and continuously staffed during its normal business hours; scheduling and tracking of random

drug and alcohol screenings for Public Works employees; complying with OSHA reporting regulations; overseeing general upkeep and custodial services of building; and coordinating all requests for service with the Information Technology service provider.

## ARTICLE IX: THE BOARD OF FINANCE

### Section 9-1: Organization and Procedure

- (a) Members of the Board of Finance shall be elected, vacancies shall be filled, and expenses shall be provided, all in accordance with Article IV of this Charter.
- (b) At the first meeting following the municipal election in which the Board members are elected, the Board of Finance shall meet and elect from its membership a chairman who shall preside over its meetings, a vice chairman who shall act as chairman in the absence of the chairman, and a clerk who shall be responsible for seeing that records are maintained and minutes and other records of the meetings and proper copies thereof are filed with the Board of Selectmen and the Town Clerk as prescribed by Statute and by Article IV of this Charter.
- (c) The Board shall, as its next order of business, establish a schedule of regular meetings to be not less than 10 in any calendar year and which shall include the Public Hearing held two weeks prior to the Annual Town Budget Meeting. The Board shall post the schedule in the Town Clerk's Office and shall notify the chairman of those Boards, committees and agencies of the Town dependent on the Town budget for any portion of their operating income.
- (d) Meetings of the Board shall be open to the public. When Special Meetings are scheduled, notice of such meetings shall be posted in the Town Office Building in accordance with the Statutes. Decisions of the Board shall be made by majority of those present. No less than four members shall constitute a quorum, except as otherwise provided by the Statutes and this Charter.
- (e) The Board of Finance shall have its own budget which shall contain an appropriation for the purpose of retaining a certified public accountant to audit the Town books as required by the Statutes and another appropriation for the just and necessary expenses of Board members incurred in fulfillment of their duties. These sums shall be available for the purpose of retaining a secretary and such sources of expert advice on financial matters as the Board shall determine.

### Section 9-2: General Powers and Duties

The Board of Finance shall have all the powers and duties provided by the Statutes and by this Charter. The Board of Finance shall be the chief financial authority of the Town. The Board of Finance shall be responsible for the following:

- (1) preparation of the budget for the following fiscal year,
- (2) the management and monitoring of the budget for the current fiscal year, and
- (3) the development of long-range financial planning for the Town.

### Section 9-3: Budget Preparation - Coming Fiscal Year

- (a) By the second Monday in February, the Board of Finance shall meet with the Board of Selectmen to discuss the priorities for the Town in the coming fiscal year.

- (b) By the third Monday in March, the Board of Finance shall receive the preliminary Town Budget for the Town from the Board of Selectmen.
- (c) By the second Monday in March, the Board of Finance shall determine the probable total income of the Town for the forthcoming fiscal year. This shall include an estimate of the funds from state and federal sources which will or may become available to the Town.
- (d) By the first Monday in April, the Board of Finance shall review the preliminary Town Budget submitted by the Board of Selectmen, together with estimates of income, and prepare the final preliminary Town Budget. In accordance with the Statutes, the Board of Finance may request additional information from the Board of Selectmen or other agencies.
- (e) By the third Monday in April, the Board of Finance shall review the final preliminary Town Budget with the Board of Selectmen and shall indicate the reason for any change made to the preliminary Town Budget submitted by the Board of Selectmen.
- (f) By the fourth Monday in April, printed copies of the final preliminary Town Budget shall be available at the Town Clerk's Office and at such other locations as the Board may prescribe.
- (g) By the first Monday in May, the Board of Finance shall hold a Public Hearing, which shall be one of its regular meetings, on the final preliminary Town Budget.
- (h) Those wishing changes in the budget as proposed by the Board of Finance shall communicate their views at the Public Hearing. After the Public Hearing, the Board shall draft its final recommended budget and provide the Board of Selectmen a description of the budget items changed, along with the reason(s) why further major deletions or additions were necessary.
- (i) The final recommended budget as proposed by the Board of Finance shall be presented for adoption at the Annual Town Budget Meeting called for that purpose. Copies of the final recommended budget shall be available no later than the second Monday in May at the Town Clerk's Office and elsewhere as the Board of Finance may prescribe. The Annual Town Budget Meeting may delete or decrease the budget amounts but may not increase budgeted amounts or add additional items into the budget.
- (j) In the event that the Town shall fail to pass the recommended budget subsequent Town Meetings shall be called by the Board of Selectmen at intervals no greater than 14 days until a budget is passed.
- (k) When the budget is approved, the Board of Finance shall see that it is promptly made available to Town agencies and the public through the Town Clerk's Office. Detailed expenditures used by the Board of Finance in determining its final budget, shall also be made available to the Board of Selectmen and each respective Town agency.
- (l) Within one week after the acceptance of the annual budget meetings and all other budgets which determine the total budget of the Town, the Board of Finance shall meet and levy a tax on the Grand List sufficient, in addition to other estimated yearly income of the Town, to pay the expenses and appropriations of the Town for the following year, and also to absorb any revenue deficit of the Town at the end of the current fiscal year.
- (m) The Tax Collector shall then collect the tax in accordance with the Statutes; the due date shall be July 1 and January 1 unless otherwise changed by Town Meeting. The Tax Collector shall submit monthly reports to the Board of Finance as to the progress of collections.

Section 9-4: Monitoring - Current Fiscal Year

- (a) The Board of Finance shall prescribe as it deems necessary such periodic reporting of income and expenditures from all Town agencies dependent on the Town budget for any portion of their income.
- (b) The Board of Finance shall review the budget monthly for the purpose of seeing that the budget is proceeding according to plan. When the Board finds serious deviations, it shall review the matter with the Board of Selectmen. The Board of Finance may require a new set of monthly budget estimates for that portion of the fiscal year remaining. Annually, the Board of Finance shall appoint a Certified Public Accountant or firm of Certified Public Accountants, who may serve for three consecutive years, followed by one year of ineligibility, to audit the books and accounts of the Town as required in the Statutes.
- (c) In the event that a Town agency requires a sum of money greater than its current appropriation, it shall inform the Board of Selectmen in writing. At its next meeting following the receipt of the request, the Board of Selectmen shall determine what action, if any, to take. The Board of Selectmen shall inform the Board of Finance of its determinations in all such matters and shall forward all necessary documentation to the Board of Finance.

The Board of Finance may, at its next regular meeting, take one or more of the actions listed below. If the Board of Finance takes any action, the Board of Finance shall inform the Board of Selectmen, in writing, of any action taken and the reasons therefore. The actions available to the Board of Finance are as follows:

- 1. The Board of Finance may allot a sum of money to the requesting Town agency from a contingency fund or unappropriated cash surplus fund for such purpose in an amount not exceeding \$20,000.00 without the approval of a Town Meeting.
- 2. The Board of Finance may transfer all or part of the unexpended balance of any appropriation to the requesting Town agency. An "unexpended balance" means that part of any appropriation which the requesting agency or any other Town agency has determined that it will not expend during the current fiscal year.
- 3. The Board of Finance may make a supplementary appropriation of an amount not exceeding \$20,000.00 to the requesting Town agency. In any fiscal year, the Board of Finance shall not make supplementary appropriations totaling in aggregate more than \$20,000.00 to any one Town agency without approval of a Town Meeting.
- 4. The Board of Finance may request the Board of Selectmen to call a Special Meeting of the Town for the purpose of allotting a sum of money, from any contingency fund available for such purpose in an amount recommended by the Board of Finance, to the requesting agency.

If denied by the Board of Selectmen, no further action shall be taken by the Board of Finance.

- (d) When the Town is maintaining a reserve fund for a Capital Expenditures Program and capital and non-recurring expenditures in accordance with the Statutes, payments into and appropriation from these funds shall be made only upon the recommendation of the Board of Finance and approval by a Town Meeting and the Board of Selectmen.

- (e) A special appropriation or transfer of unexpended balances, and payment into or appropriation from the fund for capital and non-recurring expenditures require Town Meeting approval in accordance with this Charter and may be decreased by a Town Meeting, but may not be increased. A Town Meeting may make no special appropriation or transfer of funds not recommended by the Board of Finance.
- (f) Special appropriations other than those from surplus revenue or from an approved contingency fund may be made only by vote of a Town Meeting or recommendation of the Board of Finance.
- (g) The provisions of this Section shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in accordance with the Statutes and this Charter.

#### Section 9-5: Expenditures and Accounting

- (a) The fiscal year of the Town shall begin on July 1 and end on June 30 of the following calendar year.
- (b) The system of accounts used by Town agencies shall be that prescribed by the Statutes as supplemented by regulations of the Board of Finance.
- (c) The regulations of the Board of Finance shall also designate the forms and procedures for orders to be drawn on the Treasurer by the Board of Selectmen.
- (d) All officers, Boards, Commissions, and Committees shall comply with the regulations of the Board of Finance required by this Section. Such regulations shall be adopted and may be amended by vote of the Board of Finance and shall not be inconsistent with this Charter and the Statutes.
- (e) The Board of Finance, at the end of the fiscal year, shall send a request to all budgeted agencies for a written summary of their activities and accomplishments for that year. This summary report shall be returned by each such agency no later than 45 days thereafter, except for financial reports requiring prior review by an auditor, these being due within 60 days. The Board of Finance shall then compile an Annual Town Report, which incorporates the material thus received, as well as the auditor's report. The Annual Town Report shall be made available for examination prior to a Town Meeting called to approve the report. This meeting is to be held before January 31 of the following year.
- (f) Purchases by an office or Town agency, other than the Probate Court and where otherwise indicated by the Statutes, for supplies, materials, services, equipment and other budget commodities that are to become the property of the Town, shall be made under such rules and regulations as may be established by the Board of Selectmen and shall meet the approval of the Board of Finance. Bidding procedures then currently in effect and on file in the Selectman's Office that consider quality, experience, and costs shall be used on all purchased items costing in excess of \$10,000.00, except as otherwise provided by Ordinance, or with approval of the Town Meeting, and only with the approval of the Board of Finance.
- (g) No voucher, claim, or charge against the Town, other than vouchers for the proper charges of the Regional Board of Education and the Probate Court, shall be paid unless same has been audited under the direction of the First Selectman and approved for correctness and legality.



- (h) Drafts with the above exceptions shall be drawn by the First Selectman for the payment of approved claims which drafts shall be valid only when signed by the Treasurer and any two of the three Selectmen.
- (i) No official, agent, or Town agency shall involve the Town in obligations to spend money for any purpose in excess of the amount appropriated therefore.
- (j) The Board of Finance may have access, at all reasonable times, to the records and books of account of the Town agencies.
- (k) The Town shall make no contribution to any organization unless so authorized by Statute or by authorization of a Town Meeting. No contribution of more than \$500.00 per annum shall be made to any such organization or corporation whose financial records are not submitted along with its request for an appropriation to the Board of Finance.

#### Section 9-6: Bonds and Notes

Issuance of bonds and notes shall require approval by a Town Meeting, except notes in anticipation of taxes, which notes are to be paid within the fiscal year in which issued.

#### Section 9-7: Reserve - Capital/Non-Recurring Fund

- (a) There shall continue to be a Reserve for Capital and Non-recurring Expenditures Fund.
- (b) Upon the recommendation of the Board of Finance and approval of a Town Meeting, there shall be paid into the Fund such amounts as may be the following:
  - 1. amounts authorized to be transferred thereto from the General Fund cash surplus available at the end of any fiscal year, and/or
  - 2. amounts raised by the annual levy of a tax of up to one and one-half mill for the benefit of such fund, and for no other purpose, such tax to be levied and collected in the same manner and at the same time as the regular annual taxes of the Town.
- (c) The planning, construction, reconstruction, or acquisition of any specific capital improvement, or the acquisition of any specific item of equipment, of such category, character, or nature as not to be a purpose or object for which an appropriation is customarily made annually, shall qualify as capital and non-recurring expenditures. Upon the recommendation of the Board of Finance and approval of a Town Meeting, any part or the whole of such Fund may be used for the financing, in part or in full, of such projects or acquisitions. Upon the approval of any such project or acquisition, an appropriation shall be set up plainly designated for the specific project or acquisition for which it was authorized and such unexpended appropriation may continue, subject to the limitation of Subsection (d) hereof, until such project or acquisition is completed. Any unexpended portion of such appropriation remaining after such completion shall revert to the Fund.
- (d) Any appropriation set up pursuant to the provision of Subsection (c) hereof may at any time subsequent to the effective date of such appropriation, upon recommendation of the Board of Finance and approval of a Town Meeting, be terminated. If no expenditure from or encumbrance of any such appropriation has been made within the period of three fiscal years next succeeding the effective date of such appropriation, such appropriation shall be terminated upon approval of a duly warned Town Meeting. The fiscal year in which such appropriation was authorized shall be deemed the first fiscal year of such three-year period.

- (e) The Board of Finance, a Town Meeting, and Town officials who may be concerned with the operation of this Fund shall have any and all further powers, contained in Chapter 108 of the Statutes, necessary to implement and administer the operation of this Fund and not specifically granted herein,

Section 9-8: Long-Range Financial Planning

- (a) As prescribed elsewhere in this Charter, the Board of Finance may retain such expert advice as it deems necessary,
- (b) The Board of Finance or the Board of Selectmen may initiate joint meetings for purposes of discussions on long-range planning.
- (c) When any Town agency shall develop or plan to develop plans, they shall so inform both the Board of Finance and the Board of Selectmen and shall continue to inform both Boards of any proposed plans.
- (d) The Board of Finance may require all Town agencies dependent on the Town budget for any portion of their income to submit estimates for future spending. Such estimates shall be based on fiscal years for two years ahead of the current fiscal year and shall be the best estimates of the present Town agency. The estimates shall be submitted as the Board of Finance shall dictate as part of the preliminary budget in each year.

## ARTICLE X: TRANSITION AND MISCELLANEOUS PROVISIONS

### Section 10-1: Existing Laws and Ordinances

All General Laws applicable to the Town, all enabling legislation adopted by the Town, and all Ordinances and bylaws of the town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter. All Special Acts or parts of Special Acts relating to the Town that are not inconsistent with the provisions of this Charter shall continue in full force and effect.

### Section 10-2: Transfer and Continuation

The powers which are conferred and the duties which are imposed upon any Board, office, or agency under the Statutes, Special Acts concerning the Town, or any Ordinance in force at the time this Charter shall take effect, thereafter may be exercised and discharged by the Board, office or agency upon which are conferred such powers and imposed such duties under the provisions of this Charter.

Any person holding Town office, whether elected or appointed, any person holding a position of employment, and any person who is a member of an existing Board or Town agency at the time of the effective date of this Charter shall continue in his/her respective position. Those holding elective or appointive terms of office or memberships on Commissions and agencies shall continue to serve in their respective capacity for the duration of their terms, unless otherwise prescribed by law.

### Section 10-3: Amendment of this Charter

The amendment of this Charter may be initiated either by a two-thirds vote of the entire Board of Selectmen or by a petition signed by no less than ten percent of the electors of the Town as determined by the last completed registry of the Town; and this initiation, in either instance, shall result in the appointment by the Board of Selectmen of a Charter Revision Commission which shall consider any proposed amendments to the existing Charter, present these at one or more Public Hearings, and submit its report for review to the Board of Selectmen, as prescribed in Chapter 99 of the Statutes. Such amendments shall not become effective until they have been approved by a majority of the Town electors voting thereon at a municipal election, or by a majority equal to at least fifteen percent, at a special election.

### Section 10-4: Saving Clause

If in any court of competent jurisdiction, any Section of this Charter is restricted, prohibited, or unenforceable, such Section shall be restricted, prohibited, or unenforceable only to the extent of such restriction, prohibition, or unenforceability, without affecting the validity or enforceability of any other Sections of this Charter.

### Section 10-5: Effective Date

This Charter shall become effective 31 days after it is adopted.

### Section 10-6: Referenda

For Referenda see the Statutes.