

**CHARTER REVISION COMMISSION
REGULAR MEETING AGENDA
Thursday, June 24, 2021 - 7:00 PM
Via Zoom**

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CALL TO ORDER:

1. **RULES OF CONDUCT FOR VIRTUAL MEETING:** *This is a web-based call, so we are operating under the following procedures: This session is being both video and audio-recorded. Commission members and staff will generally remain on mute except when speaking or voting and will generally be keeping video of themselves on throughout the meeting. If a member of the public creates an audio or video disruption, they may be manually ejected from the meeting upon recommendation of staff or the Chairman. For public input before the meeting please email your comments to PublicInput@columbiact.org within 24 hours before the meeting. For public input during the meeting, your comments can be submitted through the "Chat" feature in Zoom Meeting or wave your hand and request your mic to be un-muted. PLEASE INCLUDE IN BOTH METHODS YOUR NAME AND ADDRESS.*
2. **APPROVAL OF AGENDA:**
3. **APPROVAL OF MINUTES:**
 - 3.1 Charter Review Commission Public Hearing/Regular Meeting Minutes 5/11/21.

4. AUDIENCE OF CITIZENS:

5. OLD BUSINESS:

5.1 Review and discuss recommended changes forwarded by the BOS.

6. NEW BUSINESS:

6.1 Motion to Approve BOS changes and return Final Report.

7. AUDIENCE OF CITIZENS:

8. COMMISSION MEMBER COMMENTS:

9. ADJOURNMENT:

**COLUMBIA CHARTER REVISION COMMISSION
PUBLIC HEARING/REGULAR MEETING
TUESDAY, MAY 11, 2021 – 7:00 pm
VIRTUAL MEETING VIA ZOOM WEBSITE PLATFORM**

Minutes

Charter Revision Commission Members Present: Chairman Richard Nassiff Jr., Judy Ortiz, Lisa Napolitano, Paul Ramsey, and Arthur Rowbotham

Charter Revision Commission Members Absent: Kate Haakonsen, Mark Desrosiers, and Norbert Blain

Staff Present: Town Administrator Mark Walter and Commission Clerk Linda McDonald

Others Present: Carol Kubala, Paul Kubala, Ann Dunnack, Attorney Richard Roberts, Attorney Henry Beck Jr., and Selectman Bill O'Brien

1. Call to Order: R. Nassiff called the special meeting with public hearing to order at 7:05 p.m.
2. Approval of Agenda: R. Nassiff MOVED to approve the agenda as presented. P. Ramsey SECONDED. MOTION CARRIED 5:0:0.
3. Approval of Minutes:
 - 3.1 Approval of April 29, 2021 Regular Meeting Minutes: Approval of the April 29, 2021 minutes was tabled to a future meeting.
4. Suspend Regular Meeting: R. Nassiff suspended the regular meeting at 7:07 p.m.
5. Open Public Hearing: R. Nassiff opened the public hearing on the proposed changes to the Town of Columbia Charter at 7:07 p.m.
 - 5.1 Comments and Suggestions regarding Possible Changes to the Existing Town Charter for Consideration by the Commission:

R. Nassiff thanked Attorney Beck and Attorney Roberts, Town Administrator Mark Walter and the members of the commission for their support and hard work on this revision.

The following is the memorandum summary of proposed changes to the existing 2010 Town Charter dated May 5, 2021:

“To the residents of the Town of Columbia:

Many of the proposed revisions are either technical or stylistic. For the most part, those changes are designed to provide clarity and consistency within the Charter, as well as to provide adequate cross-references among its sections. In addition, some changes have been made to reflect changes in state statutes and the dissolution of certain agencies and commissions. Other changes have been made to either move or combine sections of the existing Charter.

The substantive changes proposed by the Charter Revision Commission are described as follows:

- Section 1.4 – reflects that both the Town Meeting and the Board of Selectmen function as the legislative body of the Town under certain circumstances
- Section 3.3(b)(1) – allows the Board of Selectmen to make certain purchases pursuant to a formal bid and purchase procedure that is not tied to a specific dollar limit. The dollar limit on their authority remains in Article 9.
- Section 6.2 – provides that if a vacancy on a Town board or commission (other than the Board of Selectmen) exists and the seat is ordinarily to be filled by a party other than the party holding the maximum number of seats under the table set forth in the Charter, and such vacancy remains unfilled for 90 consecutive days, that the party holding the maximum number of seats may fill that vacancy as long as it does not exceed the maximum number of seats allowed by state statute. The effect of this change would allow up to 4 members of a 5-member agency and up to 5 members of a 7-member agency to be enrolled in the same political party.
- Section 7.3(e) and (f) – transitions the elections for the Planning and Zoning Commission and Zoning Board of Appeals over the next two municipal elections so that all terms begin in the year of the election, rather than electing members whose terms begin one year in the future
- Section 8.16 – provides greater flexibility with respect to the number of Resident State Troopers but requires the Board of Selectmen to obtain town meeting approval for significant changes in the manner in which police services are provided
- Section 9.6 – formalizes the process by which FIPAC reviews and revises the draft budgets proposed by the Board of Selectmen and the Board of Education to allow greater communication and transparency

Respectfully, Rick Nassiff, Chairman of the Charter Revision Commission”

R. Nassiff spoke briefly about some of the substantive changes proposed. He opened the floor to comments from those present.

M. Walter said he had two department heads reach out to him about changes they would like to be made in the Charter. He referred to Section 8.13 Marine Patrol Officers that reads:

“There shall be at least two Marine Patrol Officers appointed and serving at the discretion of the Board of Selectmen. Marine Patrol Officers shall be supervised by: (i) the designee of the Board of Selectmen who may be a Marine Patrol Officer: or (ii) in the case of law enforcement matters, by the Resident State Trooper(s).”

M. Walter said the challenge is the Head of Parks and Recreation normally hires about 10 marine patrol boat operators who do not have police authority. The way the Charter has it, they all have to be recommended by the Board of Selectmen and be sworn in by the Town Clerk. M. Walter said he thought an easy solution might be to change the language to read: “There shall be at least **one** Marine Patrol Officer” who is the one usually in charge of Marine Patrol and the rest would be boat operators.

Attorney Beck suggested the marine patrol operators should be called Marine Safety Officers to dignify the position and having them sworn in gives them the respect for the job they perform and impresses upon them the civil responsibility they have. M. Walter agreed that section should be left the way it is.

M. Walter had a recommendation for the last sentence in the first paragraph in Section 8.15 Recreation Commission which reads: "The Commission shall meet at least monthly."

M. Walter said this was written in the Charter when the Town did not have a full-time Recreation Director. He said the Commission now meets quarterly and suggested that sentence be removed so they can meet when the Commission and Recreation Director feel it is necessary or change the word "monthly" to "quarterly".

Attorney Roberts said he would be inclined to take that sentence out. He noted the ordinance governing the Recreation Commission also says they have to meet monthly so it can be taken out of the Charter and fixed in the ordinance to have it match reality.

Consensus of the members was to remove the sentence "The Commission shall meet at least monthly." from the Charter.

M. Walter had a recommendation for the last paragraph of Section 8.15 Recreation Commission which reads:

"The Recreation Commission shall at least annually, submit a report to the Board of Selectmen which shall include a long-range plan for recreation facilities and an accounting of recreational activities that it has been authorized to manage, including the costs and fees charged for each activity."

M. Walter said this was also written before the Town had a full-time Director who reports to the Town Administrator and the BOS. He said this is really the job of the Recreation Director. The annual report goes to him as Town Administrator, he submits it to the BOS and it becomes part of the budget process. He said he does not think the Charter has to address how the Commission reports annually. The Recreation Director runs his budget recommendations before the Recreation Commission.

Attorney Beck recommended changing the language so that the Recreation Commission "assists" the Recreation Director in submitting a report to the BOS. He believes there should be substance to the volunteer position on the commission and the Town should anticipate the commission members would be consulted.

Attorney Beck said the commission can address any specific change in the language in the regular meeting following the close of the public hearing.

Paul Kubala of 37 Lake Road said he has four issues he would like to comment on.

(1) He noted in Section 3.3 (b)(1), the commission is deleting the bid process for items \$15,000 or over. He asked if that means the Town will have no bids on services or materials over \$15,000.

M. Walter responded the Town has a bid policy in its bidding procedure and ordinance. The ordinance still requires the Town to go out to a public bid auction over \$15,000. The commission thinks this should not be in the Charter, but in the ordinance. Nothing is changing in the bidding process. The Charter does not change for 10 years and, if there was over inflation during that time, this would be adding extra expense to the bidding process in the future.

R. Nassiff said the commission is comfortable ceding control of the bidding process to the BOS and not mandating specific numbers within the Charter.

(2) P. Kubala's next question had to do with Section 8.16 State Trooper. He asked if the BOS want to hire or appoint another Trooper, they can do that without going to Town Meeting for approval.

Attorney Beck clarified that the number of Troopers is something that the BOS can determine, but they cannot change the policing system to adopt a town police force or go back to constables or have a police department without going to a Town Meeting.

(3) P. Kubala's next question had to do with Section 8. 18 Recycling Committee. He asked if the commission was getting rid of the recycling committee totally.

M. Walter responded recycling is now under the Public Works Director which is part of the Transfer Station. There is no separate committee running recycling anymore.

(4) P. Kubala's final comment regarded Article 4 The First Selectman. He said it would be appropriate to remove the word "Selectman" totally from the Charter for gender neutrality and changed to "selectperson". He said whatever wording is decided upon should reflect no gender attached to the title.

Attorney Beck said P. Kubala made a strong and valid point and all pronouns have been taken out of the Charter to be gender neutral. He noted, unfortunately, state statutes still are not gender neutral and continue to refer to "selectman". In order to align with the state statutes, the commission continued to leave the word "selectman" Attorney Beck said Columbia could be in the forefront and make the change and put a note that whenever state statute refers to "selectman", it will be considered by Columbia to be a "selectperson" board. Consensus was to continue discussion during the regular meeting to follow the public hearing.

Carol Kubala of 37 Lake Road said she is confused about Section 8.16 about the flexibility of the Resident State Trooper(s). She asked, before the commission made the changes to the Charter, if the BOS chose to add another trooper would that not have gone to a public Town Meeting.

Attorney Beck responded it would have only gone to Town Meeting if there was not enough money in the line item for State Troopers to cover it and that would still be the case. If, during the budget process, the BOS budgets for two troopers, they have the right to do that and the Town has the right then to not pass the budget. If the BOS does this in the middle of the year, the BOS would need permission to move money from one line item to another to cover the cost.

Ann Dunnack commented on Section 8.15 Recreation Commission. As a past Chair of the Recreation Commission, she noted there was always great confusion as to what the role of the commission was and to whom the commission reported.

L. Napolitano said the Recreation Director is a paid employee and not necessarily a town resident, whereas all the members of the Recreation Commission are actually members of the Town . She would think the Recreation Commission review and approve whatever the director does because they are the ones who represent us in Town.

A. Dunnack noted the language says: "The Recreation Commission shall be an advisory commission to the Board of Selectmen." She said that part was set up before the Town had a Recreation Director. She respectfully suggested that the Recreation Commission be advisory to the Recreation Director for some of the reasons mentioned previously by L. Napolitano. The Recreation Commission usually consists of people who utilize the rec area, coach youth sports, and have children in the programs so they have their finger on the pulse of the Town and what the townspeople want to see in recreation. She suggested the wording could read: "The Recreation Commission shall be an advisory commission to the ~~Board of Selectmen~~ **Recreation Director.**"

R. Nassiff asked A. Dunnack how much power she wants the Recreation Commission to have in regard to the full-time Recreation Director. Should they be answerable to the Recreation Director or the Director answerable to the commission? He said this is important so the Charter Revision Commission can structure the wording in an appropriate way.

A. Dunnack responded the way it has evolved is that the Recreation Director is answerable to the Town Administrator.

M. Walter confirmed her statement and said the Recreation Department gets all approvals through the BOS for scheduling major events, changes to the Town facilities, but they come from the recommendations from the Recreation Director and the Recreation Commission. He said, if the Recreation Director had to receive all approvals through the Recreation Commission, that would require many meetings. He said he meets often with the Recreation Director to go over strategy and budgeting and he asks if the Recreation Commission has to weigh in on this and takes it to the BOS, if needed. He supports the suggestion by A. Dunnack.

L. Napolitano suggested changing the language to read: "The Recreation Commission shall be an advisory commission to the **Recreation Director** and the Board of Selectmen."

R. Nassiff said he does not want to take anything away from the Recreation Commission and thinks that suggestion would do nothing but strengthen the position of the Recreation Commission.

Attorney Beck suggested changing the verbiage in the last paragraph in this section to read:

"The Recreation Commission shall at least annually, ~~submit~~ **assist the Recreation Director in submitting** a report to the Board of Selectmen which shall include a long-range plan for recreation facilities and an accounting of recreational activities that it has been authorized to manage, including the costs and fees charged for each activity."

Attorney Roberts commented there is a Recreation Commission ordinance that is almost verbatim of what is in the Charter. Changing the Charter would conflict with the ordinance.

R. Nassiff said it would be up to the BOS to change the ordinance to match what is in the Charter.

A. Dunnack voiced her support to change the last sentence in the first paragraph of Section 8.15 to read: "The Commission shall meet at least ~~monthly~~ **quarterly.**"

6. Close or Continue Public Hearing:

Hearing no other comments, R. Nassiff MOVED to close the public hearing and return to the regular meeting at 7:53 pm. L. Napolitano SECONDED. MOTION CARRIED 5:0:0.

7. Resume Regular Meeting: The regular meeting resumed at 7:53 p.m.
8. Audience of Citizens: No audience of citizens.
9. Old Business: No old business.
- 9.1 Review and Discuss Charter Draft Revisions:

Discussion followed on changing the wording of “selectman” in the Charter to verbiage most gender neutral. Options mentioned were to use “selectman/selectwoman”, use “selectperson” or make no change.

R. Nassiff said he thinks the commission would have to look at this in more depth to consider whether it is something the commission would want to pursue in a final revision of the proposed Charter changes. He said the commission needs more time.

Attorney Beck said, if it is the sense of the commission to change this, the commission could refer to this in the word product sent to the BOS and ask the BOS to consider the issue further in their deliberations. He said the BOS could send it back to the commission asking for further work or they could make the change themselves or decide they are happy with it as it is.

Attorney Roberts said, at this point, the back and forth is the commission sends its report to the BOS; they react to it, either saying “this is great”, “this is bad”, or here are a couple things we would like the commission to look at. Then the commission would go over their comments. Attorney Roberts said he does not think there is an opportunity to revisit or initiate new changes that have not yet been included in what is sent to the BOS as the commission’s final report.

R. Nassiff asked if the commission were to include a desire now indirect to indicate the commission would like to explore and, if possible, accommodate a gender-neutral description of “selectman” would that be a side comment the commission could include and act on later or would the commission have to propose the verbiage tonight.

Attorney Roberts responded the commission could forward the comment saying the commission is thinking of doing this or considering making this change and then the Selectmen could react to it.

After polling the members as to their preference in wording and getting no clear consensus as to how to proceed with the wording, R. Nassiff suggested in the report to the Town Clerk and the BOS say there seems to be a sentiment to go to a less gender specific description of the Selectman and tell them what the discussion was and say, going in one of these directions, what are your thoughts. The members concurred with this approach.

Discussion followed on possible changes to the Charter brought up during the public hearing.

L. Napolitano MOVED to make the following changes in the proposed Charter as discussed tonight:

Article 8 Appointive Officers and Agencies, Section 8.15 Recreation Commission:

(first paragraph, last sentence) "The Commission shall meet at least ~~monthly~~ **quarterly.**"

(second paragraph, first sentence) "The Recreation Commission shall be an advisory commission to the Board of Selectmen **and the Recreation Director**, and when further authorized and guided by the Board of Selectmen, the Recreation may engage in the additional activities described in this Section."

(third paragraph) "The Recreation Commission shall at least annually, ~~submit~~ **assist the Recreation Director in submitting** a report to the Board of Selectmen which shall include a long-range plan for recreation facilities and an accounting of recreational activities that it has been authorized to manage, including the costs and fees charged for each activity."

J. Ortiz SECONDED. MOTION CARRIED 5:0:0.

9.2 Review Calendar of Important Dates: No action.

10. Vote to Move the Charter Revision to the Board of Selectmen:

R. Nassiff MOVED to send the proposed Charter Revisions to the Town Clerk to forward to the Board of Selectmen. P. Ramsey SECONDED. MOTION CARRIED 5:0:0.

11. New Business: No new business.

12. Commission Member Comments: No commission member comments.

13. Adjournment: R. Nassiff MOVED to adjourn the meeting at 8:09 p.m. L. Napolitano SECONDED. MOTION CARRIED 5:0:0.

Respectfully submitted by

Linda H. McDonald

Linda H. McDonald, Commission Clerk

PLEASE SEE THE MINUTES OF SUBSEQUENT MEETINGS FOR THE APPROVAL OF THESE MINUTES AND ANY CORRECTIONS HERETO.

**Columbia Board of Selectmen
Public Hearing MINUTES
Tuesday, June 15, 2021 – 6:45 PM
Yeomans Hall
323 Route 87, Columbia, CT**

Board of Selectmen Members: Steven M. Everett, First Selectmen; Robert Hellstrom, Deputy First Selectmen; Judy Ortiz, Selectmen; Lisa Napolitano, Selectmen.

Board of Selectmen Members Absent: William O'Brien

Staff Present: Mark Walter, Town Administrator and Jennifer LaVoie, Executive Administrative Assistant

Others Present: Attorney Henry Beck; Rick Nassiff, Chair of the Charter Revision Commission; Carmen Vance; Ingrid Wood, Town Historian; Paul Ramsey; and Paul Kubala.

1. **Call to Order:** S. Everett called the public meeting to order at 6:47 pm. MOTION CARRIED 3.0.
2. **Comments on the proposed draft revision to the Charter:**

Carmen Vance 1 Beach Rd. said she had a couple of comments/questions.

- (1) She asked if the Board of Assessment Appeals (BAA) have always received compensation as noted on page 22, Section 7.5 - Compensation of Elective Officers. H. Beck responded that we follow the CT Statute states that the BAA have the opportunity to receive compensation. R. Nassiff said state law says that they may be paid.

M. Walter said there were discussions about the BAA receiving compensation and that they are currently being paid \$15.00 per hour.

R. Nassiff said that he is very comfortable leaving a lot of control to the Board of Selectmen to make decisions except where there is something specifically mandated in the Charter.

- (2) C. Vance asked for clarification on if someone on a commission (elected officers) leaves the position does the spot need to be filled within 90 days as noted on page 19, Section 7.2 – Terms of Office

R. Nassiff responded that the language in this section was not changed much, but changes in blue were added to make this clearer.

- (3) C. Vance asked if the title for Fiscal Manager will be changed to Finance Director. M. Walter responded that the Board of Selectmen will vote on changes that at the meeting following the public hearing and this update will be included.

- (4) C. Vance noted in Section 9.5 – Budget Presentation, page 34 it states that “It shall be the duty of the Town Administrator or Fiscal Manager, if so designated, to compile preliminary estimates as provided by each agency and prepare a recommended Annual Town Budget...” She asked should that not be the Town Administrators job to work with the agencies head for the budget. M. Walter responded that this is how it is done.

(1) Ingrid Wood of 322 Rte 87 asked why the requirements for residency and being an elector has been dropped as noted on page 29.

H. Beck responded that it was not dropped, but that because of the repetitive wording on this requirement in previous sections it was deleted from this section. H. Beck explained that to be an elector you have to own property and be a resident.

S. Everett MOVED to send to the Charter Revision Commission a recommendation changing Fiscal Manager to Finance Director. MOTION CARRIED 4.0.

3. Adjournment: S. Everett MOVED to Adjourn the meeting at 7:05 p.m. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted by Jennifer C. LaVoie, Executive Administrative Assistant

REGULAR MEETING MINUTES
COLUMBIA BOARD OF SELECTMEN
Tuesday, June 15, 2021 – Immediately Following Public Hearing
Adella G. Urban Administrative Offices Conference Room & Virtual
323 Route 87, Columbia, CT

Members Present in Person: Steven M. Everett, First Selectman; Robert Hellstrom, Deputy Selectman; Judy Ortiz, Selectman; Lisa Napolitano, Selectman

Members Absent: William O'Brien, Selectman

Also Present in Person: Mark Walter, Town Administrator.

CALL TO ORDER: S. Everett called the meeting to order at 7:10 pm.

1. **RULES OF CONDUCT FOR HYBRID VIRTUAL MEETING:** S. Everett read the rules of conduct for a hybrid virtual meeting.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
3. **APPROVAL OF AGENDA:** S. Everett MOVED to Approve the Agenda as submitted. MOTION CARRIED 4.0.
4. **APPROVAL OF MINUTES:**
 - 4.1 **BOS Regular Meeting Minutes for June 1, 2021.** S. Everett MOVED to Approve the Regular Meeting Minutes for June 1, 2021. MOTION CARRIED 3.0 with J. Ortiz abstaining.
5. **AUDIENCE OF CITIZENS:** None.
6. **OLD BUSINESS:**
 - 6.1 **Discussion following the Public Hearing on the Charter Revision.** S. Everett MOVED that anywhere the term Fiscal Manager is shown in the charter is to be changed as Finance Director as discussed. MOTION CARRIED 4.0.
7. **NEW BUSINESS:**
 - 7.1 **Daniel Johnson, Facilities Operator, Completion of 6-month Probation.** S. Everett said that Dan Johnson has done an outstanding job and we are very pleased with his work. S. Everett MOVED remove Daniel Johnson from the 6-month probation and place him as a full-time employee. MOTION CARRIED 4.0.
8. **COLUMBIA LAKE / DAM / BEACH:**
 - 8.1 **Columbia Lake Update.** M. Walter said that E. Lunt, DPW Director reported that the lake is down 9-inches.
9. **APPOINTMENTS / RESIGNATIONS:** None.
10. **TOWN ADMINISTRATOR REPORT:**
 - 10.1 **4th of July Parade.** M. Walter said that the 4th of July parade will be on July 5th. S. Everett asked that we make a few signs that post the parade is on the 5th.

10.2 Update Final Design Phase for the Hop River Bridge. M. Walter explained that a design firm has been hired and final design will be completed by 10/29/21. M. Walter said that he has formally requested a fire hose hook-up at the bridge.

11. CORRESPONDENCE:

11.1 CT. State Police monthly report for May 2021

11.2 Articles from The Willimantic Chronicle

- “Columbia to vote on budget”
- “Columbia voters pass budget”
- “Osten discusses state’s budget situation”

12. BUDGET:

12.1 Transfers: None

12.2 Refunds: None

13. APPROVE PAYMENT OF BILLS: S. Everett MOVED to Approve the Payment of Bills of \$296,311.26 consisting of 2020-2021 Emergency, 2020-2021 Regular, Credit Card, and Paychex. MOTION CARRIED 4.0.

14. AUDIENCE OF CITIZENS: None.

15. BOARD MEMBER COMMENTS: S. Everett said the Town budget successfully went through. S. Everett said we are waiting to hear from the State LEGISLATURE about possible cuts To Municipalities. Our ECS was cut by \$60,000 and we may get that back. S. Everett said we have applied for our 1st of our two installments for the ARP funds. M. Walter said we are working close with CCM as we try to figure everything out, but that we have until 2024 so we don’t have to rush. As information develops M. Walter said he would keep the board abreast.

16. EXECUTIVE SESSION: Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statutes Section 1-200(6)(A). None

17. ADJOURNMENT: S. Everett MOVED to Adjourn at 7:28 PM. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted by Jennifer C. LaVoie

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COLUMBIA TOWN CHARTER

ARTICLE 1

INCORPORATION AND GENERAL POWERS

Section 1.1 Incorporation

All residents of the Town of Columbia, as presently constituted, shall continue to be a body politic and corporate under the name of the "Town of Columbia", in this Charter called "The Town". As such it shall have perpetual succession and may hold and exercise all powers and privileges granted to towns by the Constitution, general law of the State of Connecticut and by this Charter.

Section 1.2 Rights and Obligations

All property both real and personal, all rights of action and rights of every description and all securities and liens in which the Town has an interest as of the date this Charter shall take effect are continued.

All debts, obligations, contracts, or bonds shall continue until discharged by way of full payment, completion of the applicable term or by action of the Board of Selectmen of the Town.

Section 1.3 General Grant of Powers

In addition to all powers granted to towns under the Constitution, the Connecticut General Statutes and general law, and to the Town by this Charter, the Town shall have all powers implied or incident to the management of the property, government, and affairs of the Town, including the power to enter into contracts.

The enumeration of particular powers in this and any other article of this Charter shall not be construed as limiting this general grant of power to the Town but shall be considered as an addition thereto.

Section 1.4 Legislative Bodies

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

forth in Article 2 of this Charter. The legislative powers of the Board of Selectmen shall include, but are not limited to, the powers set forth in Article 3 of this Charter.

Section 1.5 Definitions

As used in this Charter:

- (a) "agency" means any elective or appointive Town board, commission, officer, or committee of the Town.
- (b) "Annual Town Budget" has the meaning ascribed to it in Section 9.5 of Article 9 of this Charter.
- (c) "appropriation" means an authorization granted by a Town Meeting or the Board of Selectmen to expend Town funds and to incur obligations for specific governmental purpose in accordance with Section 9.11 of Article 9 of this Charter.
- (d) "Connecticut General Statutes" means the Connecticut General Statutes, Revised to January 1, 2021, as the same may be amended or supplemented from time to time.
- (e) "elector" means any person possessing the qualifications described by Article 6 of the Connecticut Constitution of 1965 and applicable Connecticut General Statutes and duly admitted to, and entitled to exercise, the privileges of an elector in the Town of Columbia.
- (f) "holiday" has the meaning ascribed to it in Section 1-4 of the Connecticut General Statutes.
- (g) "may" connotes a permissive action.
- (h) "qualified voter" means any person eligible to vote at a Town Meeting in accordance with the eligibility requirements of Section 7-6 of the Connecticut General Statutes.
- (i) "shall" connotes a mandatory action.
- (j) "Town Meeting" is a legislative body of the Town and shall have the power and authority provided in Article 2 of this Charter and the Connecticut General Statutes.

ARTICLE 2
TOWN MEETING

Section 2.1 Legislative Power

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

Section 2.2 Annual, Budget, and Special Meetings

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

The Annual Budget Meeting as required under Section 7-388 of the Connecticut General Statutes shall be held annually between the second Tuesday of May and the first Tuesday of June. Said date to be set by the Board of Selectmen. Action at the Budget Meeting shall be restricted to those activities specified in Section 9.8 of Article 9 of this Charter.

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

Upon an affirmative vote of those qualified voters present and voting, any Town Meeting may be adjourned to a specific day and time.

Section 2.3 Procedure

(a) All Town Meetings shall be called to order by the First Selectman or if the First Selectman cannot be present his/her representative, who shall be the Deputy Selectman, unless the Deputy Selectman cannot be present, in which case it shall be another Selectman designated in writing by the First Selectman, or in absence thereof by the Deputy Selectman, and in absence thereof, by the proposed moderator present.

(b) There shall be a panel of three (3) permanent Town Meeting Moderators, no more than two (2) of whom shall be from any one political party. The panel of moderators shall be appointed in accordance with Article 8, Section 23 of this Charter and shall serve for a term of four years. All Town Meetings shall be presided over by a member of the panel of moderators in rotational order, said rotation system to be determined by lot. In the event the moderator who is to serve at a Town Meeting is absent, the rotation shall be to the next moderator in line. Filling in for the absent moderator shall not interrupt the normal rotation schedule. In the event that none of the appointed moderators is available for a Town Meeting, the moderator shall be elected at the Town Meeting from among the qualified voters present. In the event a Town Meeting is adjourned pursuant to Section 2.2 of this

Article, the moderator of the original Town Meeting shall continue to serve as moderator of the adjourned Town Meeting. Also, in the event that a Town Meeting is adjourned to a referendum pursuant to Section 2.5 of this Article, the moderator shall continue to serve as moderator of the referendum.

(c) The latest edition of Robert's Rules of Order shall govern the conduct of all Town Meetings. At the Budget Meeting, the vote on the budget shall be by secret ballot, by qualified voters. Any other item at Town Meeting shall be decided by secret ballot following a motion duly made and seconded on an agenda item provided at least the greater of two (2) persons or ten percent (10%) of those qualified voters present at the meeting shall vote in favor of such motion.

(d) The Clerk of the Town Meeting shall be the Town Clerk; if absent, the Town Clerk's designated representative, and if there be no designated representative, an elector selected by the Town Meeting for such purpose. This person shall be responsible for recording all pertinent discussion and information in an accurate and detailed manner.

Section 2.4 When Action by Town Meeting Required

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

(a) the Annual Town Budget;

(b) except as otherwise provided in Article 3, Section 3.3(b)(3) of this Charter, any appropriation, OR an authorization for issuance of bonds, notes, or other borrowing not to exceed \$500,000;

(c) the sale, lease, or other transfer of an interest in real estate of the Town, used or reserved for Town purposes, exclusive of licenses or permits for use or occupancy of Town real property for up to 180 days which may be granted pursuant to procedures endorsed by the Board of Selectmen or the Town Administrator pursuant to Articles 3 and 5 of this Charter, except when Subsection (e) of this Section may also be applicable;

(d) the acquisition of real estate or interests in real estate, including but not limited to easements, development rights and rights-of-way, for Town purposes including, but not limited to, purchase, lease, gift, or bequest, but exclusive of conservation easements, drainage easements, access easements and other interests in real estate which may be obtained by the Town pursuant to the zoning and subdivision regulations of the Town, as duly enacted and amended from time to time;

(e) any contract or agreement by the Board of Selectmen for services to or use of Town property by or with the United States, any Federal agency, the State of Connecticut, or any political subdivision thereof, except as provided in Sections 3.3 and 3.6 of Article 3 of this Charter; and

- (f) any matter the Board of Selectmen deems of sufficient importance.

Section 2.5 Appropriation or Other Action Requiring Referendum

A referendum shall be required in the following instances:

(a) after being recommended by the Board of Selectmen and after reasonable discussion at a Town Meeting, any appropriation OR any authorization for the issuance of bonds, notes, or other borrowing of more than \$500,000 with the exception of tax anticipation notes, shall be subject to referendum as follows: after other business has been completed, the moderator shall adjourn the Town Meeting to reconvene not less than seven (7) days nor more than fourteen (14) days thereafter, but that no referendum shall be held on a Monday or a day following a holiday, and such appropriation or authorization shall be submitted to the qualified voters for a "yes" or "no" vote utilizing a voting technology or methodology approved by the Connecticut Secretary of State for use in an election, as defined in Section 9-1(d) of the Connecticut General Statutes, between the hours of noon and 8 p.m., unless the Town meeting sets a longer period in accordance with the Connecticut General Statutes. The wording of each proposition to be voted upon shall be provided by the Town Clerk following any directions given by the applicable Town Meeting. After the polls are closed, the moderator shall cause the votes to be counted and the appropriation or authorization shall, if approved by a majority of those voting thereon, be deemed adopted by the Town Meeting.

(b) any matter, except the Annual Town Budget, on the call of a Town Meeting may, at the discretion of the Board of Selectmen, be submitted to a vote utilizing a voting technology or methodology approved by the Connecticut Secretary of State for use in an election in the same manner as set forth in Section 2.5(a) of this Charter.

(c) any other action that may properly be brought before a Town Meeting wherein a petition is filed, including the Annual Budget, when done in accordance with Section 7-7 of the Connecticut General Statutes.

Section 2.6 Petition for Overrule of Action of Board of Selectmen

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

(a) If within twenty (20) days after the publication of any such ordinance or the making of such resolution or the taking of such vote, a petition conforming to the requirements of Section 7-9 and 7-9a of the Connecticut General Statutes and signed by not less than 5% of the qualified voters is filed with the Town Clerk requesting its reference to a Special Town Meeting, the effective date of such ordinance, resolution or action shall be suspended;

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

(c) If the Town Clerk certifies that the petition meets all applicable legal requirements, the Board of Selectmen shall fix the time and place of such Special Town Meeting, which shall be within twenty-one days (21) after such certification;

(d) notice thereof shall be given in the manner provided by law for the calling of a Special Town Meeting; and

(e) an ordinance, resolution, or action so referred shall take effect upon the conclusion of such meeting or at such later date as originally specified by the Board of Selectmen unless at least fifty (50) qualified voters constituting a majority of those present and voting thereon, shall have voted in favor of overruling.

Section 2.7 Petition for Special Town Meeting for Enactment of Ordinances or Other Action

Not less than 5% of the qualified voters may, at any time, petition over their personal signature for the enactment of any proposed ordinance or other action by filing such petition, including the complete text of such ordinance, or proposed other action not inconsistent with this Charter or applicable law, with the Town Clerk, except when Sections 2.4, 2.5 and 2.6 of this Article are applicable. The Town Clerk shall determine whether said petition is sufficient as prescribed by law, shall keep cumulative count of the number of signatures filed with each page of said petition and shall within five (5) days after receipt of the page of the petition bringing the number of valid signatures included in the petition to 5% shall so certify to the Board of Selectmen; no signatures submitted more than 30 days after the submission of the first page of the petition shall be counted by the Town Clerk as described herein. If upon such 30th day the petition remains insufficient, it shall have no force or effect and the Town Clerk shall so notify the Board of Selectmen.

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

change materially its meaning and effect. The Town Counsel may also declare that such ordinance or other action would be unlawful.

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

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

By a majority vote of those qualified voters present and voting, provided that there is a quorum of at least 50 qualified voters in attendance, such ordinance or other action shall pass and shall become effective on the tenth (10th) day thereafter, unless publication is required, in which event, the Board of Selectmen shall promptly provide for such publication and for the ordinance or action to take effect on the twenty-first day thereafter in accordance with Section 3.5(b) and (c) of Article 3 of this Charter.

ARTICLE 3

BOARD OF SELECTMEN

Section 3.1 Number of Selectmen

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

Section 3.2 Term of Office

Each Selectman shall serve for a term of four years with elections of three and two positions occurring respectively every successive election, so that there will be an element of continuity in Board membership. A vacancy occurring in the office of First Selectman or Selectman shall be filled in the manner prescribed in Section 9-222 of the Connecticut General Statutes.

Section 3.3 General Powers and Duties

(a) The Board of Selectmen shall have the powers which, at the effective date of this Charter, were conferred by the Connecticut Constitution and Connecticut General Statutes on Boards of Selectmen including the powers:

(1) to enact, amend and repeal ordinances or amendments adopted in accordance with this Charter;

(2) to create such other Town agencies as may or shall be required

from time to time by applicable Connecticut General Statutes. Unless otherwise governed by Connecticut General Statutes, the Board of Selectmen may create, with Town Meeting approval, such other Town agencies as the Board of Selectmen and the Town Meeting may determine are necessary or proper for the general welfare of the Town;

(3) by resolution, to enter into agreements with the Commissioner of Transportation of the State of Connecticut pursuant to Section 13a-175b of the Connecticut General Statutes;

(4) in adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed, or any portion thereof, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be filed two copies of such code, rules or regulations in the office of the Town Clerk and the Public Library for inspection and copying by the public at reasonable hours in lieu of any other form of required publication;

(5) by resolution to regulate the internal procedure of agencies except to the extent governed by Connecticut General Statutes;

(6) to fix the charges, if any, to be made for services rendered by the Town;

(7) to obtain bonds for such offices or officials as are to be bonded by applicable Connecticut General Statute or this Charter; and

(8) to exercise legislative powers consistent with this Charter.

(b) The Board of Selectmen shall have the duties which, at the effective date of this Charter, were conferred by the Connecticut Constitution and Connecticut General Statutes on Boards of Selectmen including the following duties:

(1) The Board of Selectmen shall cause the Town Administrator and all agencies to abide by a formal bid and purchase procedure as may be adopted by the Board of Selectmen from time to time. (This does not include the Board of Education Budget.) The procedure for evaluation shall include other criteria in addition to cost and including technical merit. Except when competitive bidding is required by Section 7.4 of Article 7 of this Charter, the Board of Selectmen may waive the requirement for competitive bidding, when in its opinion, the circumstances of a particular case and the best interests of the Town are best served by a waiver. To achieve this waiver, a motion must be made and unanimously passed at a regular Board of Selectmen's meeting and so recorded in the minutes of that meeting.

(2) The Board of Selectmen shall establish and maintain current personnel policies and job descriptions for all hired positions within the Town, with the exception of personnel positions under the governance of the Board of

Education, and supervise the hiring and dismissal of all such full-time or part-time personnel needed to operate the Town in an efficient and appropriate manner.

(3) The Board of Selectmen shall be responsible for acting on behalf of the Town in applying for grants, aid, or other funds for which the Town may be eligible, provided that any application expense can be charged to an existing line item of the applicable Annual Town Budget. Prior Town Meeting approval shall be required if any application expense cannot be so charged. Town Meeting approval shall also be required for acceptance and appropriation in accordance with Section 9.11 of Article 9 of this Charter of any award granted unless the amount of the grant is less than 0.25 mills of the most recent grand list of the Town, in which event the Board of Selectmen may accept and appropriate the grant funds in accordance with Section 9.11 of Article 9 of this Charter.

(4) The Board of Selectmen shall use their administrative and legislative powers under this Charter to maintain a constant concern for the general good and welfare of the community.

Section 3.4 Procedure

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

(b) Except as otherwise provided by the Connecticut General Statutes or this Charter, no action shall be taken by the Board of Selectmen unless a majority of its members present at a duly convened meeting votes in favor of such action; provided, however, that any action regarding the adoption, amendment or repeal of ordinances shall require an affirmative vote of four members of the Board of Selectmen at a duly convened meeting.

Section 3.5 Public Hearing on and Publication of Ordinances

(a) At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a general circulation in the Town or by other means approved for such purposes by any applicable Connecticut

General Statute and by posting a notice in a public forum, shall be held by the Board of Selectmen before any ordinance shall be passed by them.

(b) Every ordinance, after passage, shall be recorded by the Town Clerk in a manner which shall be properly indexed or codified, and available for inspection and copying by the public at reasonable hours. Within ten days after final passage, a summary of each ordinance shall be published once in its entirety in a newspaper having circulation within the Town or by other means approved for such purposes by any applicable Connecticut General Statute, unless as provided in Section 7-157(b) of the Connecticut General Statutes, the full text of such ordinance is required to be published.

(c) Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its final passage except as may otherwise be provided in Section 2.6 or 2.7 of Article 2 of this Charter.

Section 3.6 Emergency Ordinances

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

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

Section 3.7 Coordination

The Board of Selectmen, through the First Selectman and/or Town Administrator, shall coordinate the activities and operations of the Town government and may convene joint meetings of Town agencies for such purposes, and may require such reports or information to be submitted by the agencies as the Board of Selectmen may deem necessary for such purposes.

Section 3.8 Oath of Officers

The Board of Selectmen shall, forthwith, after the election or appointment of any Town officers of whom an oath is required by law, cause such officers to be sworn to a faithful discharge of their respective duties. The Board of Selectmen shall see that notice of election or appointment of Town officers shall be in written form indicating if

oath is needed, as well as the time and location of the next regularly scheduled meeting of any appropriate agency.

ARTICLE 4

THE FIRST SELECTMAN

Section 4.1 Chief Executive Officer

The First Selectman shall be the Chief Executive Officer of the Town.

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

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

Section 4.2 Duties

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

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

- (a) providing guidance to the Town Administrator in the coordination and administration of the agencies of the Town, except those functions expressly reserved or delegated to such agencies by law;
- (b) the implementation of ordinances, resolutions, policies, and other action voted by the Board of Selectmen or at the Town Meeting;
- (c) a continuous review of the current and future needs of the Town and, in connection therewith, the First Selectman may require reports and information to be submitted by the Town Administrator or any agency through the Town Administrator;
- (d) coordination and guidance of the Board of Selectmen in the discharge of all the Board of Selectmen's duties and responsibilities; and

(e) preparing a meeting agenda, in conjunction with the Town Administrator, for each Board of Selectmen meeting.

Section 4.3 Delegation of Duties

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

During the absence or disability of the First Selectman, the Deputy Selectman shall carry out the duties of the First Selectman enumerated in Sections 4.2 and 4.3 of this Article.

ARTICLE 5

TOWN ADMINISTRATOR

Section 5.1 Chief Administrative Officer

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

Section 5.2 Hiring and Discharge Process

The Town Administrator shall be hired by the Board of Selectmen after having been chosen exclusively on the basis of technical and administrative qualifications, character, educational background, training/certification and professionally related experience. Educational training shall require a minimum of a baccalaureate degree. The Town Administrator need not be an elector. The Board of Selectmen may hire and discharge the Town Administrator with or without cause upon the affirmative vote of four members of the Board of Selectmen.

Section 5.3 Supervision and Responsibilities

The Town Administrator is responsible to and works under the general direction of the First Selectman and Board of Selectmen. The Town Administrator shall be responsible for the administration of all Town departments and agencies, except the Board of Education and Town agencies whose head or members are elected by popular vote. The Town Administrator shall coordinate the administration of the

officers, boards, commissions, agencies, and authorities of the Town appointed by the Board of Selectmen except those functions reserved or delegated to such bodies by law or this Charter.

Section 5.4 General Duties

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

The Town Administrator, in conjunction with the First Selectman, shall prepare the Board of Selectmen meeting agendas, including analysis of and recommendations on pertinent issues. The Town Administrator shall develop policies for review and draft proposed regulations and ordinances. The Town Administrator shall have the right to attend all meetings of the Board of Selectmen, except those executive sessions determined by the Board, with the full right to participate in all discussions, but without the right to vote.

ARTICLE 6

GENERAL ELECTIONS

Section 6.1 General

(a) Nomination and election of state and federal officers and such elective 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 therefor, in the manner prescribed by applicable federal law, by the Connecticut Constitution and by the (general and special) laws of the State applicable to the Town of Columbia, except as hereinafter provided.

(b) Regular Town Elections shall take place on the first Tuesday after the first Monday in November of each odd numbered year.

(c) Special Town Elections may be called from time to time in accordance with the Connecticut General Statutes.

Section 6.2 Minority Representation

Minority representation on any board, commission, or similar body whether elective or appointive of the Town shall be determined in accordance with the table below:

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

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

Section 6.3 Eligibility for Office

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

Section 6.4 Breaking a Tie

When any regular or special Town election for a Town office results in a tie, a special election shall be conducted to determine who shall be elected.. Said special election shall be called by the Board of Selectmen and held on such date as is required by Connecticut General Statutes Section 9-332 after the election which resulted in a tie and shall be confined to the tied candidates. Any election equipment, software, voting methodology or initial records thereof, the use or results

of which are not subject to legal dispute may be used in said special election. If necessary, the Board of Selectmen, or applicable court order, may direct the use of paper ballots.

Section 6.5 Vacancies

Unless otherwise provided by Connecticut General Statutes, or by Section 6.4 of this Charter, any vacancy in any elective Town office from whatever cause arising, shall be filled as provided in this Section. Any such vacancy shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term, provided that when the person vacating the office shall have been elected because such person was a member of a particular political party such vacancy shall be filled by a member of the same political party, subject to the provisions of Section 6.2 of this Charter. If such vacancy is not so filled by the Board of Selectmen within one hundred twenty (120) days from the time of its occurrence it shall be filled by the agency in which the vacancy occurred in accordance with the same criteria. When a vacancy occurs in the office of the First Selectman, or in the office of Selectman, it shall be filled within thirty (30) days after the day of its occurrence by the remaining members of the Board of Selectmen, or as otherwise provided under the provisions of Section 9-222 of the Connecticut General Statutes.

ARTICLE 7

ELECTIVE OFFICERS AND AGENCIES

Section 7.1 General Powers, Duties and Organization

Except as otherwise provided in this Charter, all elective agencies of the Town shall have the powers and duties prescribed by law.

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

Section 7.2 Terms of Office

The terms of office for elective Town officers shall be four years except as may be otherwise specifically provided in this Charter. All terms of office commence on the third Monday after election and qualification, except as specified for the Registrars of Voters in Section 7.3 of this Article. As used in this Charter with reference to a person's ability to hold a Town office, "qualification" shall mean the satisfaction of any statutory or charter requirements for eligibility to hold such office and taking the oath of office. All elective officers, except in the case of death, resignation, or disqualification, shall hold office until their successors have been chosen and qualified.

Section 7.3 Elective Officers and Agencies

At each appropriate biennial Town election, based on the expiration of the term of an incumbent in office, the following Town offices shall be elected:

(a) Board of Selectmen:

(1) A First Selectman shall be elected for a four-year term.

(2) Four additional Selectmen shall be elected with each having a four-year term of office.

(3) At each biennial Town election, sufficient Selectmen, including the First Selectman, when an election for such office is held, shall be elected to succeed the term of those members of the Board of Selectmen whose term in office is set to expire shortly after the election. When there is an election for the office of First Selectman, the votes cast for the unsuccessful candidate or candidates for First Selectman shall be counted as votes for the same candidate or candidates as a Selectmen.

(b) Board of Education:

(1) There shall be a Board of Education that shall consist of seven (7) members each having a four-year term of office. At each biennial Town election, sufficient members shall be elected to succeed the members whose terms are set to expire shortly after the election, each for the term of four years.

(2) Any political party may nominate a number of candidates for election as members of the Board of Education equal to the number of members of said board to be elected at such election. Any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected without regard to Section 6.2 of Article 6 of this Charter, exceeds the maximum number as determined by said Section, then only the candidates of such political party with the highest number of votes, up to the limit of such maximum, shall be elected. The next highest-ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election.

(c) Justices of the Peace:

(1) There shall be fifteen (15) Justices of the Peace elected in accordance with the Connecticut General Statutes. The terms of office shall commence on the first Monday of January following their nomination and election in accordance with the Connecticut General Statutes.

(2) Any vacancy in the office of a Justice of the Peace shall be filled in accordance with applicable Connecticut General Statutes.

(d) Board of Assessment Appeals:

There shall be an elective Board of Assessment Appeals consisting of three (3) members. At each biennial Town election there shall be elected one member for a term of four years to succeed each member whose term is set to expire right after the election. (As and when provided by the Connecticut General Statutes and authorized by duly enacted Town ordinance, additional members may be added to the Board of Assessment Appeals.)

(e) Planning and Zoning Commission:

(1) There shall be an elective Planning and Zoning Commission consisting of seven (7) members. At the biennial Town election to be held in November 2023, three members shall be elected for a four-year term commencing in November 2023 and one member shall be elected for a three-year term commencing in November 2024. At the biennial Town election to be held in November 2025, two members shall be elected for a four-year term commencing in November 2025 and one member shall be elected for a three-year term commencing in November 2026. Thereafter, at each biennial Town election there shall be elected one member for a term of four years to succeed each member whose term is set to expire.

(2) There shall be three (3) alternate members to the Planning and Zoning Commission each serving for a two-year term. At each biennial Town election, the political parties may nominate two persons as alternate members and the electors may vote for any two. The three persons who receive the most votes will be declared elected.

(3) If a regular member of the Planning and Zoning Commission is absent or is disqualified, the chairman of such Commission shall designate an alternate to so act, choosing alternates in rotation so that each shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the relevant meeting.

(f) Zoning Board of Appeals:

(1) There shall be an elective Zoning Board of Appeals consisting of five (5) members. At the biennial Town election to be held in November 2023, one member shall be elected for a four-year term commencing in November 2023 and one member shall be elected for a three-year term commencing in November 2024. At the biennial Town election to be held in November 2025, two members shall be elected for a four-year term commencing in November 2025 and one member shall be elected for a three-year term commencing in November 2026. Thereafter, at each biennial Town election there shall be elected one member for a term of four years to succeed each member whose term is set to expire.

(2) There shall be three (3) alternate members of the Zoning Board of

Appeals serving two-year terms with the powers and duties prescribed by the Connecticut General Statutes. At each biennial Town election there shall be elected three members for a term of two years.

(g) Financial Planning and Allocation Commission (FIPAC):

(1) There shall be a Financial Planning and Allocation Commission, which shall be the budget making authority, consisting of seven (7) members each having a four-year term of office. No member of the FIPAC shall be a member of any other agency in the Town while serving on this Commission. At each biennial Town election, there shall be elected one member to succeed each member whose term is set to expire shortly after the election.

(2) The specific duties of the Commission shall be as specified in Article 9 this Charter.

(3) The Commission shall have the power to obtain any data from the Town Administrator, or any Town agency including the Board of Education, required for the performance of its duties.

(h) Registrars of Voters

At each State election, there shall be elected in accordance with Sections 9-190 and 9-190a of the Connecticut General Statutes two Registrars of Voters, and have two-year terms commencing the Wednesday following the first Monday of the following January. In the event of any vacancy in the office of a Registrar of Voters, Section 9-192 of the Connecticut General Statutes shall govern or prevail.

Section 7.4 Conflict of Interest

No member of the Board of Selectmen, the Board of Education, or the Financial Planning and Allocation Commission shall contract with or sell materials, supplies, or services to any agency of the Town for a sum greater than \$300.00 unless such contract is the result of competitive bidding.

Any elected or appointed officer, board, agency or commission member or any employee of the Town, who has a financial interest, direct or indirect, in any contract or any transaction to which the Town is a party, or in any decision of any Town agency, shall disclose that interest to the board, agency or commission, where applicable, and to the Board of Selectmen, who shall record such disclosure upon the official record of their respective meetings. A member of a board, agency or commission who has such a direct or indirect financial interest, shall disqualify himself/herself from acting on any such matter. In the event that said person does not disqualify himself, a majority of those present and voting, excluding the member charged with conflict of interest, of the respective board, agency or commission shall have the power to disqualify such individual from acting on such matter. Violation by any such officer or employee of the provisions of this Section with the knowledge, express or implied, of any person or corporation participating in such contract,

transaction or decision shall render the same voidable by the Board of Selectmen or by a court of competent jurisdiction. Nothing in this Section shall be construed to disenfranchise any elector from voting upon any matter to be voted upon by electors or qualified voters.

Section 7.5 Compensation

All elective officers shall serve without compensation, except for the following: First Selectman; Registrars of Voters; and members of the Board of Assessment Appeals. The level of compensation shall be recommended by the Board of Selectmen and approved in accordance with Article 9.

ARTICLE 8

APPOINTIVE OFFICERS AND AGENCIES

Section 8.1 General

Unless otherwise specified in this Article or in the Connecticut General Statutes, the Board of Selectmen shall appoint the officers and the agencies of the Town identified in this Article. Unless otherwise specified in this Article or in the Connecticut General Statutes, all appointed officers and members appointed to the specified agencies shall be electors of the Town. Unless otherwise specified in this Article or in the Connecticut General Statutes, all appointees shall serve for a term established in accordance with Section 8.23 of this Article, with all such appointments made within the first thirty (30) days of new Selectmen taking office after each biennial Town election.

All appointive agencies shall at the start of each year hold an annual organizational meeting called by the First Selectman, or the First Selectman's designee, during January at which meeting they shall elect officers and establish a regular schedule of meetings for such year. Such schedule shall be filed with the Town Clerk no later than January 31 of each year. No appointive agency shall meet at the same time a Town Meeting or a Budget Meeting is being held.

No agency shall conduct business unless at least a majority of the membership (after total membership is reduced by any vacancies) shall be present except as otherwise provided by the Connecticut General Statutes.

Section 8.2 Animal Control Officer

The Animal Control Officer shall have all the powers and duties conferred or imposed by the Connecticut General Statutes on Animal Control Officers. In addition, the First Selectman may prescribe other powers and duties germane to this office not inconsistent with law.

Section 8.3 Building Code Appeals Board

The Building Code Appeals Board shall consist of five members, all of whom shall meet the qualifications set forth in the State Building Code. The Building Code Appeals Board shall receive from aggrieved persons appeals from decisions made by the Town Building Official. Procedures followed and decisions rendered will be according to the Connecticut General Statutes.

Section 8.4 Building Official

A Building Official shall be appointed by the Board of Selectmen as permitted by Connecticut General Statutes Section 29-260. Such appointment and the service and tenure of the Building Official shall otherwise conform to the requirements of such statute and all other applicable Connecticut General Statutes, including those guiding the Building Official's administration and enforcement of the State Building Code adopted by the State Building Inspector and Codes and Standards Committee in accordance with applicable Connecticut General Statutes.

Section 8.5 Burning Official

There shall be a Burning Official nominated by the First Selectman to the Department of Energy and Environmental Protection. Such agency shall appoint the Burning Official to such term as prescribed by law. The Burning Official shall have all the powers and duties conferred upon the Burning Official by the Department of Energy and Environmental Protection.

Section 8.6 Commission on Aging, Municipal Agent for the Elderly

The Selectmen shall appoint a maximum of seven (7) members to the Commission on Aging.

The First Selectman shall appoint an individual to serve as Municipal Agent for the Elderly. Such individual shall possess the qualifications and perform the duties specified in Section 7-127b of the Connecticut General Statutes. The Municipal Agent for the Elderly shall be an ex officio member of the Commission on Aging in the event the Municipal Agent is not currently serving as a member of such agency.

The Commission on Aging shall assess the needs of the Town's elderly persons and assist the Town's Municipal Agent for the Elderly in performing the duties of that office.

Section 8.7 Conservation and Agriculture Commission

There shall be a maximum of seven (7) members appointed to the Conservation and Agriculture Commission. When functioning as a conservation commission, the Conservation and Agricultural Commission shall operate in accordance with Connecticut General Statutes Section 7-131a with respect to the development and conservation of natural resources, including water resources, within the Town. In

addition to its conservation functions, the Conservation and Agricultural Commission shall also be charged with advising the Board of Selectmen with respect to the importance and promotion of Agriculture in the Town.

Section 8.8 Economic Development Commission

There shall be an Economic Development Commission consisting of a maximum of seven (7) members appointed for four-year terms with appointments equaling the number of members whose terms are expiring to be made after each biennial election so that staggered terms are maintained. The Commission shall meet monthly or as necessary.

The Commission shall, in accordance with applicable laws: (a) conduct research into the economic conditions and trends of the Town; (b) make recommendations to the Board of Selectmen regarding action to promote, support and improve economic conditions and development; (c) coordinate, under the guidance of the Board of Selectmen, the activities of and cooperation with other bodies organized to promote economic development; (d) advertise, prepare and distribute information, under the guidance of the Board of Selectmen, which will further economic development in Town; and (e) prepare an annual report to the Board of Selectmen of its activities and of its recommendations for improving economic conditions and development opportunities in Town.

Section 8.9 Emergency Management Director

The Emergency Management Director shall be responsible for the planning and coordination of the survival activities of other units of government within the Town during an emergency or disaster. The Emergency Management Director shall act in accordance with applicable law under the general supervision of the Board of Selectmen.

Section 8.10 Fire Marshal

The Fire Marshal, in accordance with the provisions of Sections 29-297 through 29-306 of the Connecticut General Statutes, as amended, shall have the powers and duties imposed by law on local fire marshals and shall have such other powers and duties as the Board of Selectmen may prescribe.

Section 8.11 Inland Wetlands Commission

There shall be an Inland Wetlands Commission consisting of seven (7) members, who shall serve staggered four-year terms, and two (2) alternates, who shall serve two-year terms. After each biennial Town election, the Board of Selectmen shall appoint a member, for a term of four years, to succeed each member whose term shall expire and shall appoint the two (2) alternates.

Section 8.12 Lake Management Advisory Commission

There shall be a Lake Management Advisory Commission consisting of a maximum of eleven (11) members. In addition, the President of the Columbia Lake Association shall be a voting member of this Commission during the President's term of office. The Commission shall be responsible for preparing and presenting recommendations to the Board of Selectmen concerning the management of Columbia Lake, its watershed and adjacent Town-owned property.

Section 8.13 Marine Patrol Officers

There shall be at least two (2) Marine Patrol Officers appointed by and serving at the discretion of the Board of Selectmen. Marine Patrol Officers shall be supervised by: (i) the designee of the Board of Selectmen, who may be a Marine Patrol Officer; or (ii), in the case of law enforcement matters, by the Resident State Trooper(s).

Section 8.14 Open Space Committee

The Open Space Committee shall consist of a maximum of seven (7) members. The committee shall meet periodically, but not less frequently than quarterly with one such meeting being in January of each year. It shall make recommendations to the Board of Selectmen for acquisition of open space and other proper uses of the Land Acquisition Fund as defined in the applicable town ordinance(s).

Section 8.15 Recreation Commission

The Recreation Commission shall consist of a maximum of seven (7) members who shall serve staggered four-year terms in a manner consistent with the applicable town ordinance(s). The Commission shall meet at least quarterly.

The Recreation Commission shall be an advisory commission to the Board of Selectmen and the Recreation Director, and when further authorized and guided by the Board of Selectmen, the Recreation Commission may engage in the additional activities described in this Section. The Recreation Commission may be charged with the development, operation, and oversight of the recreational activities within the Town of Columbia. The Recreation Commission may also be given responsibility for the planning of recreational facilities, including but not limited to parks, ball fields, playgrounds, beaches and facilities and equipment associated therewith. The Recreation Commission may be authorized to conduct recreational activities on the grounds and in the buildings overseen by the Board of Education and the Board of Selectmen, subject to the applicable Board's prior consent.

The Recreation Commission shall at least annually, assist the Recreation Director in submitting a report to the Board of Selectmen which shall include a long-range plan for recreation facilities and an accounting of recreational activities that it has been authorized to manage, including the costs and fees charged for each activity.

Section 8.16 Resident State Trooper(s)

There shall be a Resident State Trooper(s) who shall serve in accordance with the provisions of Section 29-5 of the Connecticut General Statutes who shall have the powers and duties imposed by law on the Resident State Trooper(s). The number of Resident State Trooper(s) shall be determined by the Board of Selectmen from time to time. Notwithstanding this provision, the Board of Selectmen may, with the approval of the Town Meeting, alter the method or structure of providing police services within the Town as they may deem necessary.

Section 8.17 Town Counsel

The Board of Selectmen shall select Town Counsel, which may be an individual attorney admitted to practice law in the State of Connecticut who is the private practice of law, or a law firm so engaged with principals who are admitted to practice law in the State of Connecticut. The selection shall require an affirmative vote of four members of the Board of Selectmen.

Town Counsel shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against the Town or any of its agencies.

Town Counsel shall be the legal advisor to all Town Officers or Agencies in all matters affecting the Town and shall, upon written request of the First Selectman or the Town Administrator, furnish the Town with a written opinion on any question of law involving any legal matter relevant or potentially relevant to the Town. Town Counsel, or a duly qualified substitute approved by the First Selectman, shall be present at Town Meetings when requested by the First Selectman, or any other meetings as the Board of Selectmen may reasonably require.

Upon request, Town Counsel shall prepare or approve forms, contracts, or other agreements to which the Town is a party or in which it has an interest.

Town Counsel shall have power, with the approval of the Board of Selectmen, to compromise or settle any claims by or against the Town and, subject to the approval of the Board of Selectmen and the particular agency involved, to appeal from orders, decisions and judgments.

The Board of Selectmen shall have the right to select special legal counsel authorized to practice law in this State when warranted and approved by four members of the Board of Selectmen.

Section 8.18 Town Health Officer

The Town Health Officer shall be a doctor of medicine, who is licensed to practice medicine in this State, or an individual with a PhD in Public Health, who may be the director of a Health District of which the Town is a participating member. The Town Health Officer shall be responsible for the preservation and promotion of public health.

The Town Health Officer shall be charged with the enforcement of all laws, Town ordinances, rules, and regulations in respect to the public health and shall have such powers and duties as are provided by the Connecticut General Statutes.

Section 8.19 Town Historian

A Town Historian shall be appointed to promote a knowledge, appreciation, and dissemination of Town history. The Town Historian shall be qualified by a knowledge of Town history as well as general State and American history; by knowledge of historical research; and by good writing and speaking skills.

Section 8.20 Town Moderators for Town Meetings

There shall be a panel of three (3) permanent Town Meeting Moderators, no more than two (2) of whom shall be from any one political party. The panel of moderators shall serve for a term of four years.

Section 8.21 Tree Warden

The Tree Warden shall have all the powers and duties conferred or imposed by applicable laws. In addition, the First Selectman may prescribe other powers and duties germane to his/her office not inconsistent with law.

Section 8.22 Regional Council of Governments and Regional Planning Organization

There shall be one representative from the Town to the Regional Council of Governments of which the Town is a member, who shall be the First Selectman or the First Selectman's designated alternate who shall either be the Deputy Selectman or upon the inability of the Deputy Selectman to serve, any other Selectman or the Town Administrator. In addition, there shall be a representative to the Regional Planning Organization of which the Town shall be a member, who shall be a member of the Planning and Zoning Commission. The representative shall be appointed, in the even numbered years, by the Board of Selectmen. An alternate, who may be a non-member of such Planning and Zoning Commission, may be appointed by the Board of Selectmen. The alternate need not be an elector if the alternate is the Town Administrator. The alternate will be a voting member in the absence of the designated representative of such Commission.

Section 8.23 Terms of Office

Each member of each Town agency referenced in this Article shall be an appointive officer of the Town. The term of office of each appointed officer shall commence when the officer has been appointed and qualified and said officer shall serve for a term of four years served concurrently with the term of the First Selectmen unless otherwise specified in this Charter or applicable Connecticut General Statute and until his/her successor shall have taken office. The terms of office of any additional appointed officers, whose office may arise or be implemented in the future, shall be

governed by this Section unless otherwise provided in the Connecticut General Statutes, applicable Special Acts, Town Ordinances or Town Meeting resolutions creating the same.

Section 8.24 Vacancies and Removals

Except as may otherwise be provided by applicable law, vacancies in appointed agencies shall be filled for the unexpired term in the same manner as appointments are made. Except as may otherwise be provided by applicable law, in the event that no appointment is made by the Board of Selectmen within ninety (90) days following notification to said Board of a vacancy, the remaining members of the agency may, provided the Board of Selectmen still has not acted, fill said vacancy thereafter by a majority vote of the remaining members of said agency. If the person vacating the office shall have 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, subject to the provisions of Section 6.2 of this Charter.

Except as otherwise provided by law, any member of an agency appointed by the Board of Selectmen, the First Selectman, or the agency itself may be removed from office or membership on such agency for cause by the Board of Selectmen upon affirmative vote of at least three members thereof. No person shall be removed without reasonable notice thereof and the opportunity to appear with or without legal counsel, before the Board of Selectmen at a public or private hearing at the option of said person, which hearing shall take place not less than five days nor more than fifteen days after notice to such person. Such person has the right to appeal to the courts.

Section 8.25 Compensation

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

The rate of compensation of the holder of any appointed Town office shall not be decreased during the Officer's term of office.

Section 8.26 Fees, Fines and Levies

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

Section 8.27 Duties

In addition to the duties outlined in this Charter, the duties of Town officers and agencies appointed by the Board of Selectmen shall be those, if any, prescribed for such officers and agencies by the Connecticut General Statutes.

ARTICLE 9

FINANCE AND TAXATION

Section 9.1 Fiscal Year

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

Section 9.2 Budget Message

Each fiscal year, of the Town, the Financial Planning and Allocation Commission (FIPAC) shall create a budget message outlining the proposed financial policy of the Town, including a five-year plan for capital projects, describing therewith the important features of the proposed budget plan indicating any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and containing a clear general summary of its contents. For purposes of this Charter, capital projects shall consist of the purchase and financing of (i) all personal property and real estate improvements that are normally subject to depreciation under generally accepted accounting principles in the United States; and (ii) land and other real estate interests that are not so depreciated or (iii) any other legal purpose for which such a fund may be created under state law, including without limitation Section 7-364 of the Connecticut General Statutes.

Section 9.3 Finance Department

There shall be a Finance Department providing financial services to the Board of Education and the Town. This department will consist of a Finance Director~~Fiscal Manager~~Finance Director and financial staff.

The ~~Fiscal Manager~~Finance Director will also serve as the Deputy Town Treasurer, who shall act and perform all his/her duties, in the absence or disability of the Town Treasurer.

There shall be a Fiscal Policy Board chaired by the ~~Fiscal Manager~~Finance Director.

This Board shall consist of the First Selectman, Chairperson of the Board of Education, the Chairperson of FIPAC, or their respective designees, who shall be members of the respective boards or agency and the Superintendent of Schools and Town Administrator. The purpose of this Board will be to advise and be advised by the Fiscal Manager/Finance Director on all Town financial issues and/or policies.

The Fiscal Manager/Finance Director and the Fiscal Policy Board will advise the Board of Selectmen and the Board of Education as to an appropriate manner and allocation of the funding of this Department in accordance with a cooperatively established, and from time to time amended written statement of the Board of Selectmen and the Board of Education concerning the financial services to be provided by this Department.

Neither this Department, the Fiscal Policy Board, nor the Fiscal Manager/Finance Director will limit or infringe on the statutory rights of the Board of Education or the Town to prepare and approve annual budgets, set expenditures, or transfer funds.

Section 9.4 Preliminary Budget Estimates

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

Section 9.5 Budget Preparation

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

After review and approval of the recommendations of the Town Administrator or Fiscal Manager/Finance Director but not later than March 15 of each year, the Board of Selectmen shall present to the Financial Planning and Allocation Commission (FIPAC) a proposed Annual Town Budget covering all Town expenditures.

The Annual Town Budget document shall include:

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

Section 9.6 Budget Review

FIPAC shall review and evaluate each proposed Annual Town Budget presented to it pursuant to Section 9.5 of Article 9 of this Charter to ensure that it meets the financial planning goals and objectives of the Town. FIPAC may modify the proposed Annual Town Budget, including the Board of Education Budget, and the Board of Selectmen's Budget consistent with sound financial planning and applicable law. FIPAC shall present, review, and discuss its modifications of the proposed Annual Town Budget with the Board of Selectmen and Board of Education. After such presentations, reviews, and discussions, FIPAC shall modify its proposed Annual Town Budget as it deems advisable, giving due and proper consideration to the comments made by the Board of Selectmen and Board of Education regarding the modifications so presented by FIPAC. Thereafter, FIPAC shall present its modified proposed Annual Town Budget as FIPAC's recommended Annual Town Budget to the qualified voters for their review and deliberations.

Section 9.7 Public Hearings

FIPAC shall hold one or more public hearings prior to May 1 of each year, at which time FIPAC shall present the proposed Annual Town Budget, including the Board of Education Budget and the Board of Selectmen's Budget, and any qualified voter may have an opportunity to be heard regarding the recommended appropriations for the ensuing fiscal year. At least ten (10) days in advance of any public hearing on

the budget, FIPAC shall cause to be published in a newspaper having general circulation in the Town or by other means approved for such purposes by any applicable Connecticut General Statute, a notice of such public hearing, and where copies of the proposed Annual Town Budget may be obtained. One week prior to the hearing, as well as at the hearing, sufficient copies of the FIPAC proposed Annual Town Budget shall be made available for general distribution. Following the public hearings, FIPAC shall modify its proposed Annual Town Budget as it deems advisable, giving due and proper consideration to the comments made at the public hearings.

Section 9.8 Budget Meeting

(a) At the Budget Meeting, to be held annually in accordance with Article 2 of this Charter, the proposed Annual Town Budget as may have been modified by FIPAC pursuant to Section 9.7 of this Charter shall be presented in its entirety. Following said presentation, the Town Meeting may take any one or more, as may be relevant, of the following actions through a secret ballot by qualified voters:

1. accept the Annual Town Budget as so proposed;
2. amend the so proposed Annual Town Budget by reducing any line item or, with respect to the Board of Education Budget, the proposed total appropriation;
3. reject the Annual Town Budget as so proposed;
4. reject the Annual Town Budget as so amended; or
5. accept the proposed Annual Town Budget as so amended.

(b) If the budget is rejected at the Budget Meeting the meeting shall be adjourned to the same time of day on successive Tuesdays until an Annual Town Budget is adopted. In the intervening periods, FIPAC shall review the last proposed Annual Town Budget and modify it consistent with the expressed interest of the Town and sound financial planning. At any reconvention of a Budget Meeting, the proposed Annual Town Budget may be amended by reducing any line item, but no line item may be increased, nor may any new line item be created. The proposed Annual Town Budget, with any amendments so adopted, may then be adopted in its entirety as amended or rejected in its entirety as amended, or not. If rejected, the requirements of this Section 9.8(b) shall be repeated until an Annual Town Budget is adopted.

Section 9.9 Budget Referendum

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

- (a) Budget Meeting

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

(b) Referendum

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

(c) Ballot

(1) The Board of Selectmen shall word the voting alternatives on the referendum ballot as to the proposed Annual Town Budget being voted on as follows: "I approve the proposed Annual Town Budget" and "I reject the proposed Annual Town Budget".

(2) The ballot may also include, at the option of the Board of Selectmen, questions to indicate, for advisory purposes only on a nonbinding basis, whether the proposed Annual Town Budget in question is too high or too low.

(d) Referendum results

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

Section 9.10 Laying of Taxes

After the Annual Town Budget has been adopted, FIPAC shall meet and set a tax rate at a level sufficient to meet the Annual Town Budget as approved for the Town for the ensuing fiscal year, with due provision for estimated uncollectible taxes, abatements, and corrections, other estimated yearly income of the Town and the need to also absorb any deficit at the beginning of the ensuing fiscal year. At such meeting, FIPAC shall also set the dates that the taxes, at such rate, shall be due and payable.

Section 9.11 Appropriations

The adoption of the Annual Town Budget shall be deemed to constitute an appropriation to each line item therein of each agency identified in such Annual Town Budget of the amount corresponding to the amount shown in the adopted Annual Town Budget. Each such appropriation shall thereupon be available to be expended by each agency respectively for the line item purposes set forth in such Budget; except that the Board of Education shall have the authority to expend its funds in accordance with the Connecticut General Statutes. When no agency is identified in the Annual Town Budget as controlling a particular line item, such appropriation shall be deemed made to the Town Meeting as a legislative body of the Town. No further expenditure of any such appropriation to the Town Meeting as the legislative body may be made without further Town Meeting approval, unless otherwise expressly permitted by this Charter. Should the Town receive grant funds as contemplated by Section 3.3(b)(3) of Article 3 of this Charter, a Town Meeting, or the Board of Selectmen, as applicable, shall appropriate the funds to an existing line item of the applicable Annual Town Budget, or, if no such line item exists, create a new line item on the Town's accounts for this purpose. After grant funds have been appropriated to an existing or new line item pursuant to the foregoing sentence, the funds so appropriated shall thereafter be deemed a part of such Annual Town Budget.

Section 9.12 Issuance of Tax Bills

Property tax liability shall be levied and collected in accordance with Connecticut General Statutes. One hundred percent (100%) of motor vehicle taxes, fifty percent (50%) of personal property taxes, and fifty percent (50%) of real property taxes shall be payable in the first installment; except that if either of these property taxes is less than \$250.00, then the entire amount of that tax shall be payable in the first installment. The remainder of the personal and real property taxes and any supplemental motor vehicle taxes shall be payable in the second installment.

Section 9.13 Transfer of Funds

The Board of Selectmen may transfer and re-appropriate funds between Annual Town Budget line items for a given agency or department. Each transfer shall be limited to a maximum of \$1,000, without the approval of FIPAC, and \$10,000 with the approval of the Board of Selectmen and FIPAC. A maximum of \$20,000 for the current fiscal year (not including the Board of Education) for any agency or department may be transferred with the approval of the Board of Selectmen and FIPAC. In the event that these limitations are to be exceeded or that approval cannot be obtained from FIPAC, any transfer approved by the Board of Selectmen must be approved by a Town Meeting.

The Town may establish a contingency account within the General Fund amounting

to a maximum no greater than two (2) percent of the total Annual Town Budget. The Board of Selectmen, with the approval of FIPAC, may transfer and appropriate funds from the contingency account to any agency or department. The maximum transfer to any one such recipient of an appropriation in any fiscal year shall not exceed \$20,000. Transfers not meeting the requirements of this paragraph may be made only with the approval of a Town Meeting.

Transfers to the Reserve Fund or within the Reserve Fund for Capital Projects must be approved by a Town Meeting.

Section 9.14 Annual Town Report

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

Section 9.15 Audit

FIPAC shall annually designate an independent public accountant or firm of independent public accountants to audit the books and accounts of the Town as required by the Connecticut General Statutes. The audit will include all Town agencies (including the Board of Education), funds, identified in the Annual Town Budget for the applicable fiscal year, and any other area as the auditor deems necessary. Any organization which receives annual grants from the Town in excess of 0.10 Mills of the grand list for the fiscal year in which the grant is made shall be required to furnish the Town with an annual audit report prepared by an independent certified public accountant of such grants, for the organizations previous fiscal Year, by September 30th of the year following the Town's fiscal year in which the grant was made.

Section 9.16 Budget Monitoring

FIPAC shall periodically summarize the expenditures of each agency on the basis of the records kept by the ~~Fiscal Manager~~Finance Director and shall provide to each agency a report showing actual and anticipated expenditures to aid the agencies in financial planning.

Section 9.17 Final Budget Reconciliation

At the end of the fiscal year, FIPAC shall compile a final financial document showing the original approved Annual Town Budget, transfers, final allocations, and final expenditures. This document shall be a part of the Annual Town Report.

Section 9.18 Public Emergency Expenditures

For the purpose of meeting a public emergency threatening the lives, health or property of residents of the Town, emergency appropriations, the total amount of

which shall not exceed one (1) percent of the current tax levy in any one (1) fiscal year, may be made upon the recommendations of the First Selectman and by a majority vote of the Board of Selectmen. In the absence of sufficient general fund resources to meet such appropriation and as may be determined by the Board of Selectmen, additional means of financing or funding disaster relief shall be obtained in such manner, consistent with the provisions of the Connecticut General Statutes, this Charter, and any federal law applicable to the funding or financing sought.

Section 9.19 Expenditures Before Adoption of Budget

Expenditures prior to the final adoption of an Annual Town Budget shall be made in accordance with Section 7-405 of the Connecticut General Statutes.

ARTICLE 10

MISCELLANEOUS

Section 10.1 Existing Laws and Ordinances

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

Section 10.2 Rules of Construction and Saving Clause

(a) This Charter is intended to avail, make use of, and exercise the full home rule powers of the Town under Connecticut General Statutes Sections 7-187 through 7-201, inclusive, and any other Statute now in effect or hereafter enacted and any other home rule powers thereof under the Constitution of the State of Connecticut, under the common law, or otherwise.

(b) No provision of this Charter shall be construed as intended to conflict with, or be inconsistent with, the Connecticut State Constitution any Connecticut General Statute or, which as a matter of law preempts such provision, but in all cases each provision of this Charter be construed, to the maximum extent possible, as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.

(c) If any provision of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the application of the balance of the Charter in the context in which such provision so held invalid may appear, except to the extent that an entire Section of any Article of

this Charter may be inseparably connected in meaning and effect with the provision to which such holding shall directly apply, in which case the entire Section will be deemed invalid.

Section 10.3 Amendment of Charter

This Charter may be amended in the manner prescribed in the Connecticut General Statutes for local action on Charters and Special Acts as the same may be from time to time amended.

Section 10.4 Transfer of Powers

The powers which are conferred and the duties which are imposed upon any Town agency by the Connecticut General Statutes or any Town ordinance or Town Meeting or Board of Selectmen resolution, in force at the time this Charter shall take effect, if such agency is abolished by this Charter, shall be thereafter exercised, and discharged by the agency upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All agencies abolished by the Charter, whether elective or appointive shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such agencies and the performance of their duties by other agencies created under the Charter and until the Board of Selectmen shall have notified the members of such agencies which are abolished by the Charter that their successors have qualified.

Section 10.5 Effective Date

The effective date of this Charter shall be at noon on January 1, 1972.

The effective date of these revisions shall be at noon on January 1, 1976.

The effective date of these revisions shall be at noon on November 28, 1977.

The effective date of these revisions shall be at noon on January 1, 1980, except that the powers and duties of the Financial Planning and Allocation Commission shall take effect on July 1, 1980 at noon.

The effective date of these revisions shall be at noon on December 1, 1984.

The effective date of these revisions shall be at 12:01 a.m. on January 1, 1990.

The effective date of these revisions shall be May 1, 1992.

The effective date of these revisions shall be November 24, 2003.

The effective date of these revisions shall be December 1, 2009.

The effective date of these revisions shall be December 1, 2021.

