

**CHARTER OF THE  
TOWN OF KILLINGWORTH**

EFFECTIVE DECEMBER 8, 2023

THE KILLINGWORTH CHARTER

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# THE KILLINGWORTH CHARTER

## ARTICLE I: THE CHARTER

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

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 Special Acts and Ordinances, or portions thereof, inconsistent with this Charter and superseded by it, shall have no further force or effect after the effective date of this Charter.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

### Section 1-2: Definitions

- (a) “Board” or “Boards” means all Boards, Commissions and permanent Committees, except as otherwise provided, established by Town Ordinance or by this Charter and having an administrative or executive function in the Town.
- (b) “CSA” means Connecticut Special Act.
- (c) “CGS §” means Connecticut General Statutes Section, and the number of the Statute and Section will follow.
- (d) “Designated Medium” means the medium designated by the First Selectman in accordance with the Statutes.
- (e) “Elector” means a citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town of Killingworth, and who has been admitted to the voter rolls by the Registrars of Voters or Town Clerk (CGS § 9-12).
- (f) “Killingworth Volunteer Fire Company, Inc.” or KVFC is responsible for the prevention, control and extinguishing of fires, and performs all functions usually associated with a Town Fire Department.
- (g) “Resolution” means actions other than enactment of Ordinances taken by a municipal body.
- (h) “Statute” means Connecticut General Statutes, as amended.
- (i) “Voter” includes an Elector as well as any citizen of the United States of the age of eighteen years or more who, jointly or severally, is liable to the town, district or subdivision for taxes assessed against him/her on an assessment of not less than one thousand dollars on the last-completed Grand List of the town (CGS § 7-6).

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## **ARTICLE II: THE TOWN**

### Section 2-1: Incorporation

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

### Section 2-2: Rights and Obligations

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

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

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

## **ARTICLE III: TOWN MEETING**

### Section 3-1: The Town Meeting

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

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

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

### Section 3-3: Legal Notice

In accordance with CGS § 7-3, legal notice of all Town Meetings shall be published in the Designated Medium and posted on the exterior sign post at the Town Office Building, such posting and such publication to be at least five but not more than 15 days previous to holding the meeting, including the day that notice is given and any Sunday and any legal holiday which may intervene between such posting and such publication. The notice shall contain the place, date, and hour of the meeting and list all agenda items to be acted upon. Legal Notices may also be published in other newspapers or media. The Selectmen shall, on or before the day of such meeting, cause a copy of such warning, along with the return of posting, to be filed with the Town Clerk, who shall cause such copy and return to be recorded in the Town Meeting Record Book.

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### Section 3-4: Organization and Procedures

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

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

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

### Section 3-6: Special Town Meetings

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

### Section 3-7: Petitioned Town Meetings

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

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

- (a) The Town Meeting shall have the sole power to enact or repeal Ordinances, except as provided in Charter § 6-5 and consistent with this Charter and in accordance with the Statutes. Notice of any such action shall be in compliance with Charter § 3-3.
- (b) Any Ordinance enactment or ordinance repeal may be initiated by a majority vote of the Board of Selectmen or by a petition signed by at least 50 electors of the town. The Board of Selectmen may, at its discretion, within 30 days after the Ordinance enactment or Ordinance repeal has been initiated, hold a public hearing on it. At least 10 days' notice of the hearing shall be published as required by Charter § 3-3 and by making copies available at the Town Office Building.

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- (c) Within 15 days after the hearing is called, or 30 days from the initiation of Ordinance enactment or Ordinance repeal, the Board of Selectmen shall submit the proposed Ordinance in full to a Town Meeting. The call for the proposed Meeting shall state the proposed Ordinance in full or in a format prepared by Town Counsel and shall provide for a yes or no vote. Such Ordinance, if enacted, shall be published within 10 days in accordance with the Statutes and shall become effective 15 days after publication thereof.

### Section 3-9: Real Property

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

## ARTICLE IV: ELECTIONS AND ELECTIVE OFFICERS

### Section 4-1: Town Elections and Initiation of Office

- (a) Municipal elections shall take place on the first Tuesday following the first Monday in November in odd-numbered years and in accordance with the Statutes.
- (b) Special Town elections may be called and held in accordance with the Statutes.
- (c) The Town Clerk and Justices of the Peace shall take office on the first Monday of January following their election.
- (d) Registrars of Voters and the Judge of Probate shall take office on the first Wednesday of January following their election.
- (e) District 17 Regional Board of Education officials shall take office on the first day of December following their election.
- (f) All Town Officials other than those identified in Charter § 4-1 (c), (d) and (e), shall take office on the second Tuesday following their election.

### Section 4-2: Eligibility for Election

- (a) Only electors of the Town of Killingworth shall be eligible for election to any Town Office, and any person ceasing to be an elector of the Town shall cease to hold elective office in the Town and the office shall be deemed vacant.
- (b) No person shall hold two elected positions in the Government of Killingworth simultaneously, including the Board of Education.
- (c) No person shall run for more than one elected position in the Government of Killingworth in the same election cycle.
- (d) All elective Officers shall be sworn within 30 days of election and before taking office or their office will be deemed vacant. The Officer administering the oath shall record such fact in the Town Clerk's Office.



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Section 4-3: Minority Representation

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

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

- (b) Minority representation requirements shall not apply to members of the District 17 Regional Board of Education (CGS § 9-167a).

Section 4-4: Vacancies in Elective Offices

- (a) Any elected Officer other than the Town Clerk wishing to resign from office, including officials elected to the Regional Board of Education, shall submit a written resignation to the Town Clerk. Should the Town Clerk wish to resign, the written resignation shall be submitted to the Board of Selectmen. Such resignations shall become effective on the date submitted unless another date is specified therein. (CGS § 7-103)
- (b) Vacancies created by the demise of a Board member, or by a Board member's failure to be sworn or ceasing to be an elector, shall be reported by the chair or, in the chair's absence, the secretary of that Board, to the Town Clerk before the first meeting of the Board of Selectmen following creation of the vacancy.
- (c) The Town Clerk, upon receiving a resignation or notice of a vacancy, shall forthwith notify the Board of Selectmen, the chairs of the Town Political Party Committees, and shall at the same time publish an announcement in such a way as to bring the resignation or vacancy to the attention of the Town, in accordance with the Statutes. This announcement shall also identify the appointing authority.
- (d) A vacancy occurring on the Board of Finance or the Planning and Zoning Commission shall be filled, until the expiration of the term, by a vote of the remaining members. A Special Meeting, with at least 24 hours' notice, shall be called for this purpose, and the vote shall be taken in public (CGS § 1-225). However, if a vacancy is not filled within 45 days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy by appointment within 30 days thereafter.
- (e) Vacancies other than the Planning and Zoning Commission and the Board of Finance shall be filled by Board of Selectmen appointment within 45 days from the time the office becomes vacant. The Town Political Party Committee representing the party of the vacated official shall have 30 days in which to propose an appointee to the Board of Selectmen.
- (f) When the person vacating the office had been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party, if at all possible. In all cases, appointments must be made in compliance with minority representation and in accordance with the Statutes. A vacancy shall not be considered filled until the person

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appointed to fill that vacancy has been sworn into office and the swearing has been recorded in the manner prescribed in Charter § 4-2(d).

- (g) Vacancies on the Board of Selectmen shall be filled in the manner prescribed by CGS § 9-222.
- (h) An appointee to a vacancy in elective office shall serve until the expiration of the term.

### Section 4-5: Minutes

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

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

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

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

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

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

- (a) At a municipal election there shall be elected a Tax Collector. The Tax Collector shall serve a term of four years and shall have powers and duties in accordance with the Statutes.

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- (b) At each municipal election there shall be elected a Treasurer. The Treasurer shall exercise the functions of the Agent of Town Deposit Fund. The Treasurer shall serve a term of two years and shall have powers and duties in accordance with the Statutes.

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

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

### Section 4-10: Board of Finance

The Board of Finance shall consist of six members serving without compensation for four years each. Employees of the Town are not allowed to serve on the Board of Finance. The Board shall have powers and duties in accordance with CGS § 7-340 through CGS § 7-349 and Charter Article IX.

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

The Planning and Zoning Commission shall consist of six members, serving without compensation for four years each. There shall be three alternates, also serving without compensation for four years each. Employees of the Town are not allowed to serve on the Planning and Zoning Commission. The Commission shall have powers and duties in accordance with CGS § 124 and 126.

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

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

Within the limits of its appropriations, the Commission may, by vote of a majority of its members, engage such employees, including legal counsel, as are necessary for its work and may contract with professional consultants.

### Section 4-12: Zoning Board of Appeals (CGS § 8-5)

The Zoning Board of Appeals shall consist of five members, serving without compensation for four years each. There shall be three alternates, also serving four years each. Employees of the Town are not allowed to serve on the Zoning Board of Appeals.

The functions and responsibilities of the Board include the following:

- hearing and deciding appeals where it is alleged there is an error in any order, requirement, or decision made under CGS § 124;
- hearing and deciding special exceptions as required by the specific terms of the zoning bylaws; and
- determining and varying the application of zoning bylaws, Ordinances, or regulations solely with respect to a parcel of land for reasons of unusual hardship (CGS § 124).

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### Section 4-13: Board of Assessment Appeals (CGS § 12-111)

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

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

- (a) The Board of Fire Commissioners shall consist of three members: two elected Commissioners, who may not be from the same political party, elected at each municipal election for a term of two years, and one Commissioner who will be the Senior Trustee duly elected by the Killingworth Volunteer Fire Company, Inc. (KVFC).
- (b) The Board of Fire Commissioners represents the Town in negotiations with the KVFC for protection of the Town from fire and for the provision of rescue and hazardous material services. In that capacity, the Board of Fire Commissioners
  - acts as an advisory Board to the KVFC;
  - submits to the Board of Selectmen an annual fire protection budget, including a capital budget;
  - disburses funds appropriated by the Town to the KVFC;
  - monitors expenditure of funds during the fiscal year; and
  - reports regularly to the Board of Selectmen and the Board of Finance on the fiscal condition of the KVFC.
- (c) The Board of Fire Commissioners shall appoint a Fire Marshal and such Deputy Fire Marshals as may be necessary in accordance with Charter § 8-2(d).

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

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

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

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

### Section 4-17: Terms of Office

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

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### ARTICLE V: APPOINTIVE BOARDS AND COMMITTEES

#### Section 5-1: Appointments

- (a) Unless otherwise provided by this Charter or by Ordinance, the members of all appointive Boards shall be appointed by the Board of Selectmen, and the term of office of such members shall be for four years or less.
- (b) The Board of Selectmen may not make or submit appointments that do not commence during the term of office of the Board of Selectmen. During the period between Election Day and the day newly elected Selectmen assume office, the Board of Selectmen may make no appointments to appointive Boards.

#### Section 5-2: Eligibility for Appointment

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

#### Section 5-3: Minority Representation

Membership on all appointive Boards shall be determined in accordance with the minority representation laws (CGS § 9-167(a)).

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

- (a) Any appointed member wishing to resign from office shall submit a resignation in writing to the Town Clerk. Such resignation shall become effective on the date submitted unless another date is specified therein.
- (b) Vacancies created by the demise of a Board member, or by a Board member's failure to be sworn or ceasing to be an elector, shall be reported by the chair or chair's designee, to the Town Clerk before the first meeting of the Board of Selectmen following creation of the vacancy.
- (c) The Town Clerk, upon receiving a resignation or notice of a vacancy, shall forthwith notify the Board of Selectmen and the chairs of the Town Political Party Committees, and shall at the same time publish the vacancy in such a way as to bring the resignation or vacancy to the attention of the Town. This announcement shall also identify the appointing authority.
- (d) Vacancies shall be filled by Board of Selectmen appointment within 45 days from the time the office becomes vacant. The Town Political Party Committee representing the party of the vacated appointed member shall have 30 days in which to propose an appointee to the Board of Selectmen.
- (e) When the person vacating the office had been appointed as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party, if at all possible. In all cases, appointments must be made in compliance with minority representation and in accordance with the Statutes. A vacancy shall not be considered filled until the person appointed to fill that vacancy has been sworn into office and the swearing has been recorded in the manner prescribed in Charter § 5-2(b).
- (f) An appointee to a vacancy in appointive office shall serve the remaining term of the member

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being replaced.

### Section 5-5: Minutes

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

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

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

### Section 5-7: Conservation Commission

The Conservation Commission shall consist of seven members serving without compensation for three-year terms ending on December 31. Each year two members are to be appointed, except every third year three members are to be appointed. The Commission shall make recommendations to the Board of Selectmen for the development, conservation, supervision and regulation of natural resources (CGS § 7-131).

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

The Inland Wetlands and Watercourses Commission shall consist of seven members serving without compensation for three-year terms ending on December 31. Each year two members are to be appointed, except every third year three members are to be appointed. Members are not allowed to hold any salaried municipal office. At least two members of the total Commission shall have been endorsed by the Planning and Zoning Commission prior to appointment. At least two members of the total Commission shall have been endorsed by the Conservation Commission prior to appointment. The Inland Wetlands and Watercourses Commission is authorized and established in accordance with the provisions of CGS §22a-42c.

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

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

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

The Public Health Agency shall consist of not more than 7 members named and appointed by the Board of Selectmen for three-year terms to assist in the administration of a public health service. Included in the 7-member Agency shall be a representative from Town government as determined by the Board of Selectmen and a representative from the school staff as determined by the Board of Education. Each year two members are to be appointed, except every third year three members are to be appointed.

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

The Water Pollution Control Authority shall consist of five members serving without compensation for three-year terms ending December 31. The Authority shall:

- (a) work with the Health Director/Health District to enforce sewage disposal regulations,
- (b) manage water pollution issues to include emerging contaminants and storm water management, and
- (c) have powers and duties as set forth in Chapter 103 of the Statutes.

### Section 5-12: The Historic Review Committee

The Historic Review Committee shall consist of 5 members and 2 alternates appointed by the Board of Selectmen serving without compensation for a 1 year term. Recommendations to the Historic Review Committee shall be solicited from the Municipal Historian, the Killingworth Historical Society, and other qualified agencies and associations.

### Section 5-13: Fair Rent Commission

The Fair Rent Commission shall consist of 5 members, appointed by the Board of Selectmen to serve staggered 4-year terms. The Fair Rent Commission shall have the full powers and authority as set forth in CGS § 7-148b-f.

THE KILLINGWORTH CHARTER

Section 5-14: Membership in Regional Organizations

(a) The Town is a member of the following Regional Organizations:

<b>Regional Organization</b>	<b>Source</b>	<b>Number of representatives; appointing authority</b>	<b>Term</b>
<b>Advisory Council for Cable Television</b>	CT Agencies Regulations 16-333-24, 16-333-25, 16-333-26	1 representative appointed by BOS	2 years
<b>Catchment Area Council #10 Commission of Mental Health</b>	CGS § 17a-483	1 representative appointed by BOS	2 years
<b>Central Regional Tourism District</b>	CGS § 10-397	1 representative appointed by BOS	3 years
<b>Connecticut River Area Health District</b>	CGS § 19(a) – 241(b)	1 representative appointed by BOS	3 years
<b>Estuary Transit District</b>	CGS § 7-273(c)	1 representative appointed by BOS, confirmed at Town Meeting	4 years
<b>Haddam-Killingworth Recreation Authority</b>	CGS § 7-130(b)	3 representatives appointed by BOS, confirmed at Town Meeting	1 year
<b>Lower Connecticut River Valley Council of Governments (RiverCOG)</b>	CGS § 16a-4(c)	1 representative – First Selectman or delegated to a Selectman	2 years
<b>Lower Connecticut River Valley Council of Governments Regional Planning Committee</b>	Chapter 127 of the Statutes	1 representative appointed by Planning and Zoning and one alternate appointed by BOS	2 years
<b>Lower Connecticut River Valley Regional Housing Committee</b>	CGS § 16a-4(c)	1 representative appointed by BOS	1 year
<b>Lower Connecticut River Valley Regional Agricultural Council</b>	CGS § 16a-4(c)	1 representative appointed by BOS	1 year
<b>Middlesex County Revitalization Commission</b>	CSA 93-36	1 representative appointed by BOS - business executive or governmental officer	2 years
<b>South Central Connecticut Regional Water Authority Representative Policy Board</b>	CSA 77-98	1 representative appointed by BOS, confirmed at Town Meeting	3 years



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- (b) The Town may, by Ordinance approved by a Town Meeting, join, determine how it shall choose representatives, or discontinue its membership in any regional or intergovernmental organization in any manner as is consistent with this Charter and in accordance with the Statutes.
- (c) The Selectmen may also join or be appointed to Regional Organizations that do not require budget actions by the Town.

### Section 5-15: Additional Appointive Boards

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

### Section 5-16: Terms of Office

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

### Section 5-17: Committees

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

## THE KILLINGWORTH CHARTER

### Section 5-18: Removal for Cause

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

## ARTICLE VI: BOARD OF SELECTMEN

### Section 6-1: Composition

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

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

- (a) Following each municipal election, at the first meeting of a new term, the Board of Selectmen, in accordance with this Charter, shall fix the time and place of its regular meetings, to be held at least once a month during the evening hours. The Board shall provide a method for the calling of Special Meetings, consistent with CGS § 1-225 and shall designate which Selectman shall be the acting First Selectman in the event the First Selectman is absent or disabled. The First Selectman shall preside over the meetings of the Board of Selectmen. The Board shall, by Resolution determine its own rules of procedure, except that each Selectman shall always retain the ability to make a motion or offer a proposal, which shall be considered by the Board of Selectmen, without the necessity of a second.
- (b) A Special Meeting of the Board of Selectmen may be called at any time by the First Selectman or any two Selectmen. The person or persons calling a Special Meeting shall do so in accordance with CGS § 1-225 and shall give 24 hours' advance notice of such meeting to the other Selectmen. Special notice to the other Selectmen may be waived, however, by a written waiver signed by all members of the Board of Selectmen and filed with the Town Clerk any time before or within 30 days after the meeting.
- (c) All meetings of the Board of Selectmen for the transaction of business shall be open to the public. The votes of each member shall be recorded at the session at which they occur and reported in the minutes of such meeting. Minutes shall be taken and filed, and votes shall be recorded and published, in accordance with Charter § 4-5. Two members shall constitute a quorum, and no Resolution or action shall be adopted by less than two affirmative votes.
- (d) The Board of Selectmen shall supervise the administration of the affairs of the Town, except those matters which, according to this Charter, are exclusively assigned to other agencies or

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### Boards.

- (e) The Board of Selectmen shall be responsible for coordinating the activities of all the agencies of the Town and for keeping under review the present and future needs of the Town. The Board may require such reports and joint meetings as may be useful to it in the performance of its duties.

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

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

- (a) to incur indebtedness in the name of the Town and to provide for the due execution of contracts and evidence of indebtedness issued by the Town;
- (b) to take, purchase, lease, sell, or convey real or personal property of or for the Town;
- (c) to institute, prosecute, defend, or compromise any legal action or proceeding by or against the Town;
- (d) to enter into contracts for any services and to purchase, or contract to purchase, any supplies, materials, equipment, and other commodities required by any Town agency, except the Board of Finance with respect to the Town audit as provided in Charter § 9-1 (d). The Board of Selectmen may delegate its Charter § 6-3(d) power to any Town agency;
- (e) to establish and maintain a personnel manual;
- (f) to employ such staff with such powers, duties, and responsibilities, as it may deem desirable, to carry out the duties and responsibilities of the Board of Selectmen, within the confines of its budget as approved by the Annual Town Budget Meeting;
- (g) to issue notes in anticipation of tax collections owed to the Town and payable within the fiscal year and to issue bonds or other notes when authorized by a Town Meeting, in each instance upon, such terms and conditions as the Board of Selectmen may approve, including without limitation the manner and form of issues and sale thereof, the date and rate of interest thereof, the designation of a bank or trust company to act as certifying or paying agent thereof, and the designation of the person to sign such notes in the name of or on behalf of the Town;
- (h) to accept, or refuse to accept, roads offered to the Town, and
- (i) to discontinue town roads.

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

The Board of Selectmen may propose, to a duly called Town Meeting, Ordinances authorized by and written in accordance with the Statutes and this Charter and which would serve to aid in the preservation of the good order, health, welfare, and safety of the Town.

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

On a declaration of state of public emergency, as provided for in Charter § 7-6, the Board of Selectmen may enact ordinances consistent with this Charter to meet such emergencies. Such emergency ordinances shall become effective once published by the most effective means available.

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They shall remain in effect for no more than 60 days and not beyond the duration of the emergency, unless ratified by a Town Meeting. They may be repealed by vote of the Board of Selectmen or a Town Meeting.

### ARTICLE VII: THE FIRST SELECTMAN

#### Section 7-1: The First Selectman

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

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

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

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

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

- (a) administering the Town's personnel policies. This shall include the following:
  - directing and supervising the performance of appointed or hired personnel consistent with approved job descriptions and performance expectations.
  - establishing annual performance objectives and communicating same to appointed and hired personnel by July 1.
  - conducting annual performance evaluations for appointed and hired personnel no later than September consistent with approved job descriptions and performance objectives.
  - Recommending the creation, updating or modification of job descriptions subject to the review and approval by a majority of the Board of Selectmen.
- (b) overseeing the coordination of all personnel scheduling, vacation and other planned absences so that each office is properly and continuously staffed during its normal working hours;
- (c) coordinating the administration of every Town agency, except for those functions expressly reserved or delegated to such Town agency by law or this Charter;
- (d) making a continuous review of the current and future needs of the Town, including financial needs and budget requirements, and keeping the Board of Selectmen fully informed as to the financial condition of the Town;
- (e) executing, or causing to be executed, the ordinances, regulations, resolutions, or policies voted by the Board of Selectmen or the Town Meeting;

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

### Section 7-4: Appointees, Employees, and Advisory Committees

- (a) **Appointees.** The First Selectman, with the approval of the Board of Selectmen, shall appoint and determine the conditions of such appointment and may remove any person appointed as may be required pursuant to the performance of the First Selectman's duties. All appointed persons shall be informed of their duties, responsibilities and performance expectations. During the period between Election Day and the day newly elected officials assume office, the First Selectman and/or the Board of Selectmen shall make no appointment or termination of any appointed personnel.
- (b) **Employees.** The First Selectman, with the approval of the Board of Selectmen, shall hire, suspend and remove employees of the Town, except employees in elected offices whose employment and removal is otherwise provided by this Charter or Ordinance and determine the conditions of such employment and may remove any person hired as may be required pursuant to the performance of the First Selectman's duties. The First Selectman with the approval of the Board of Selectmen may by regulation delegate this power to other agencies of the Town with respect to employees in such agencies. Each elected Board and/or

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Commission shall be responsible for the hiring of its own administrative support. During the period between Election Day and the day newly elected officials assume office, the First Selectman and/or the Board of Selectmen shall make no hire, or termination of hired personnel.

All hired persons shall be engaged under the terms of a job description that delineates duties, responsibilities and performance expectations of the specific position.

In any collective bargaining negotiations, the rights of the parties shall be controlled in accordance with the Statutes. A member of the Board of Finance, appointed by the Board of Finance, may attend the negotiation sessions in an advisory capacity.

The First Selectman, with the approval of the Board of Selectmen, shall recommend to the Board of Finance salaries in conjunction with the annual budget preparation.

- (c) Advisory Committees. The First Selectman, with the approval of the Board of Selectmen, may establish advisory committees, and appoint and remove members to such advisory committees, in order to assist the First Selectman or the Board of Selectmen in carrying out the duties and responsibilities of their respective offices. Such committees shall be subject to the provision of Charter § 5-17 and shall serve without compensation. Authority of all advisory committees shall be limited to assembling information and making recommendations within the limits prescribed by the Board of Selectmen. During the period between Election Day and the day newly elected Board of Selectmen assume office, the First Selectman and/or the Board of Selectmen shall make no appointment or termination of any member of any advisory committee.
- (d) Upon temporary absence of the First Selectman lasting 30 days or less, the Acting First Selectman, as determined under the provisions of Section 6-2 (a) of this Charter, shall not exercise the appointing authority vested in the Office of First Selectman under the provisions of Charter § 7-4(a), 7-4(b) and 7-4(c).

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

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

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Town for the money being expended. The First Selectman shall be responsible for informing such Town agencies of the regulations.

### Section 7-6: Emergencies

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

### Section 7-7: Delegation of Duties

The First Selectman may delegate to another Selectman, powers and duties that may be so delegated in accordance with the Statutes. Such assignments and delegations, if permanent, shall be made public knowledge through posting on the Town Bulletin Board and shall be filed with the Town Clerk and shall be made known to any Town agencies affected.

### Section 7-8: Other

The First Selectman shall not hold any other civil office that provides compensation under the government of the United States or the State of Connecticut except that of Notary Public, nor hold any office incompatible with that of First Selectman in accordance with the Statutes.

## ARTICLE VIII: ADMINISTRATIVE OFFICES AND AGENCIES

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

- (a) Administrative Positions and Departments are authorized by this Charter, Ordinance, Resolution, or the Statutes.
- (b) The Board of Selectmen may recommend to a Town Meeting, as provided in Charter Article III, the creation of such additional administrative offices and departments as it may deem appropriate and necessary to the best interest of the Town.

### Section 8-2: Appointments

- (a) Administrative officers and department heads shall be appointed in the manner hereinafter provided. Appointees of the First Selectman shall be appointed and may be removed in accordance with provisions of Charter § 7-4a.
- (b) Any vacancy in an administrative office, whatever the cause shall be filled by the appointing authority for such office. Persons appointed to fill vacancies in the administrative offices shall serve for the unexpired portion of the term vacated if such office has a fixed term or shall serve for an indefinite term in the event no fixed term is provided for such office.
- (c) In making appointments, the appointing authority must follow all guidelines for appointment given in the Charter, Ordinance or Statute authorizing the Office or Department.

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(d) Appointed Administrative Positions

<b>Position/Department</b>	<b>Source</b>	<b>Appointing Authority</b>
Americans with Disabilities Act Coordinator	42 USC 12101	BOS
Animal Control Officer	CGS § 22-331(b)	BOS
Auditor		BOF
Assessor	CGS § 7-100k	BOS
Building Official (also serves as Demolition Official)	CGS § 29-260	BOS
Director of Emergency Management	CGS § 28-7	BOS
Fire Marshal and Deputy Fire Marshals	CGS § 29-297	Board of Fire Commissioners, Fire Marshal
Municipal Agent for The Elderly	CGS § 7-127b	BOS
Municipal Historian	NA	BOS
Open Burning Official	CGS § 22a-174f	BOS
Town Counsel	NA	BOS
Town Engineer	NA	BOS
Tree Warden	CGS § 23-58	BOS
Veterans' Representative	CGS § 27-135	BOS
Wetlands Enforcement Officer	NA	BOS after consultation with Inland Wetlands and Watercourses Commission
Zoning Enforcement Officer	NA	Planning and Zoning Commission after consultation with BOS



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### ARTICLE IX: THE BOARD OF FINANCE

#### Section 9-1: Organization and Procedure (CGS § 7-342)

- (a) Members of the Board of Finance shall be elected, vacancies shall be filled, and expenses shall be provided, all in accordance with Charter Article IV.
- (b) At the first meeting following the municipal election in which the Board members are elected, the Board of Finance shall meet and elect from its membership a chair who shall preside over its meetings, a vice chair who shall act as chair in the absence of the chair, and a clerk who shall be responsible for seeing that records are maintained and minutes and other records of the meetings and proper copies thereof are filed with the Board of Selectmen and the Town Clerk in accordance with the Statutes and Charter Article IV.
- (c) The Board shall, as its next order of business, establish a schedule of regular meetings to be not less than 10 in any calendar year and which shall include the Public Hearing held two weeks prior to the Annual Town Budget Meeting. The Board shall post the schedule in the Town Clerk's Office and shall notify the chairs of those Boards, Committees and agencies of the Town dependent on the Town budget for any portion of their operating income.
- (d) The Board of Finance shall have its own budget which shall contain an appropriation for the purpose of retaining a certified public accountant to audit the Town books in accordance with the Statutes and another appropriation for the just and necessary expenses of Board members incurred in fulfillment of their duties. These sums shall be available for the purpose of retaining a secretary and such sources of expert advice on financial matters as the Board shall determine.

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

The Board of Finance shall have powers and duties in accordance with CGS § 7-340 through CGS § 7-349 and this Charter. The Board of Finance shall be the chief financial authority of the Town. The Board of Finance shall be responsible for the following:

- (a) preparation of the budget for the following fiscal year,
- (b) the management and monitoring of the budget for the current fiscal year,
- (c) the development of long-range financial planning, and
- (d) the development of guidelines for salaries and mileage reimbursement rates and the communication of these guidelines to the Board of Selectmen on an annual basis.

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

- (a) By the second Monday in February, the Board of Finance shall meet with the Board of Selectmen to discuss the priorities for the Town in the coming fiscal year.
- (b) By the second Monday in March, the Board of Finance shall determine the probable total income of the Town for the forthcoming fiscal year. This shall include an estimate of the funds from state and federal sources which will or may become available to the Town.
- (c) By the third Monday in March, the Board of Finance shall receive the preliminary Town Budget from the Board of Selectmen.
- (d) By the first Monday in April, the Board of Finance shall review the preliminary Town Budget submitted by the Board of Selectmen, together with estimates of income, and prepare the final

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preliminary Town Budget. The Board of Finance may request additional information from the Board of Selectmen or other agencies.

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

### Section 9-4: Monitoring - Current Fiscal Year

- (a) The Board of Finance shall prescribe as it deems necessary such periodic reporting of income and expenditures from all Town agencies dependent on the Town budget for any portion of their income.
- (b) The Board of Finance shall review the budget monthly for the purpose of seeing that expenditures are proceeding according to plan. When the Board finds serious deviations, it shall review the matter with the Board of Selectmen. The Board of Finance may require a new set of monthly budget estimates for that portion of the fiscal year remaining. The Board of Finance shall annually designate a certified public accountant or firm of certified public

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accountants to audit the books and accounts of the Town in accordance with the Statutes.

- (c) In the event that a Town agency requires a sum of money greater than its current appropriation, it shall inform the Board of Selectmen in writing. At its next meeting following the receipt of the request, the Board of Selectmen shall determine what referral, if any, to make. The Board of Selectmen shall inform the Board of Finance of its determinations in all such matters and shall forward all necessary documentation to the Board of Finance.

The Board of Finance may take one or more of the actions listed below. If the Board of Finance takes any action, the Board of Finance shall inform the Board of Selectmen, in writing, of any action taken and the reasons therefore.

1. The Board of Finance may allot a sum of money to the requesting Town agency from a contingency fund or unappropriated cash surplus fund for such purpose in an amount not exceeding \$25,000 without the approval of a Town Meeting. In any fiscal year, the Board of Finance shall not make supplementary appropriations totaling in aggregate more than \$25,000 to any one Town agency without approval of a Town meeting.
2. The Board of Finance may transfer all or part of the unexpended balance of any appropriation to the requesting Town agency. An “unexpended balance” means that part of any appropriation which the requesting agency or any other Town agency has determined that it will not expend during the current fiscal year.
3. The Board of Finance may request the Board of Selectmen to call a Special Meeting of the Town for the purpose of allotting a sum of money, from any contingency fund available for such purpose in an amount recommended by the Board of Finance, to the requesting agency.

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

- (d) When the Town is maintaining a reserve fund for a Capital Expenditures Program and capital and non-recurring expenditures in accordance with the Statutes, payments into and appropriation from these funds shall be made only upon the recommendation of the Board of Finance and approval by a Town Meeting and the Board of Selectmen.
- (e) A special appropriation or transfer of unexpended balances, and payment into or appropriation from the fund for capital and non-recurring expenditures require Town Meeting approval in accordance with this Charter and may be decreased by a Town Meeting, but may not be increased. A Town meeting may make no special appropriation or transfer of funds not recommended by the Board of Finance.
- (f) Special appropriations other than those from surplus revenue or from an approved contingency fund may be made only by vote of a Town Meeting or recommendation of the Board of Finance.
- (g) The provisions of Charter § 9-4 shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in accordance with the Statutes and this Charter.

### Section 9-5: Expenditures and Accounting

- (a) The fiscal year of the Town shall begin on July 1 and end on June 30 of the following calendar year.
- (b) The system of accounts used by Town agencies shall be in accordance with the Statutes as

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supplemented by regulations of the Board of Finance.

- (c) The regulations of the Board of Finance shall also designate the forms and procedures for orders to be drawn on the Treasurer by the Board of Selectmen.
- (d) All officers, Boards, Commissions, and Committees shall comply with the regulations of the Board of Finance required by Charter § 9-5. Such regulations shall be adopted and may be amended by vote of the Board of Finance and shall not be inconsistent with this Charter or the Statutes.
- (e) The Board of Finance, at the end of the fiscal year, shall send a request to all budgeted agencies for a written summary of their activities and accomplishments for that year. This summary report shall be returned by each such agency no later than 45 days thereafter, except for financial reports requiring prior review by an auditor, these being due within 60 days. The Board of Finance shall then compile an Annual Town Report (CGS §7-406) which incorporates the material thus received, as well as the auditor's report. The Annual Town Report shall be made available for examination prior to a Town Meeting called to approve the report. This meeting is to be held before January 31 of the following year.
- (f) Purchases by an office or Town agency, other than where otherwise indicated by the Statutes, for supplies, materials, services, equipment and other budget commodities that are to become the property of the Town, shall be made under such rules and regulations as may be established by the Board of Selectmen and shall meet the approval of the Board of Finance. Bidding procedures then currently in effect and on file in the Selectman's Office that consider quality, experience, and costs shall be used on all purchased items costing in excess of \$20,000, except as otherwise provided by Ordinance, or with approval of the Town Meeting, and only with the approval of the Board of Finance.
- (g) No voucher, claim, or charge against the Town, other than vouchers for the proper charges of the Regional Board of Education, shall be paid unless same has been reviewed under the direction of the First Selectman and approved for correctness and legality.
- (h) Drafts with the above exceptions shall be drawn by the First Selectman for the payment of approved claims which drafts shall be valid only when signed by the Treasurer and any two of the three Selectmen.
- (i) No official, agent, or Town agency shall involve the Town in obligations to spend money for any purpose in excess of the amount appropriated therefore.
- (j) The Board of Finance may have access, at all reasonable times, to the records and books of account of the Town agencies.
- (k) The Town shall make no contribution to any organization unless in accordance with the Statutes or by authorization of a Town Meeting. No contribution of more than \$500 per annum shall be made to any such organization or corporation whose financial records are not submitted along with its request for an appropriation to the Board of Finance.

### Section 9-6: Bonds and Notes

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

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

- (a) There shall continue to be a Reserve for Capital and Non-recurring Expenditures Fund.
- (b) Upon the recommendation of the Board of Finance and approval of a Town Meeting, there shall be paid into the Fund such amounts as may be the following:
  - 1. amounts authorized to be transferred thereto from the General Fund cash surplus available at the end of any fiscal year, and/or
  - 2. amounts raised by the annual levy of a tax in accordance with CGS § 7-361 for the benefit of the Fund, and for no other purpose, such tax to be levied and collected in the same manner and at the same time as the regular annual taxes of the Town.
- (c) The planning, construction, reconstruction, or acquisition of any specific capital improvement, or the acquisition of any specific item of equipment, of such category, character, or nature as not to be a purpose or object for which an appropriation is customarily made annually, shall qualify as capital and non-recurring expenditures. Upon the recommendation of the Board of Finance and approval of a Town Meeting, any part or the whole of the Fund may be used for the financing, in part or in full, of such projects or acquisitions. Upon the approval of any such project or acquisition, an appropriation shall be set up plainly designated for the specific project or acquisition for which it was authorized and such unexpended appropriation may continue, subject to the limitation of Charter § 9-7 (d), until such project or acquisition is completed. Any unexpended portion of such appropriation remaining after such completion shall revert to the Fund.
- (d) Any appropriation set up pursuant to the provision of Charter § 9-7 (c) may at any time subsequent to the effective date of such appropriation, upon recommendation of the Board of Finance and approval of a Town Meeting, be terminated. If no expenditure from or encumbrance of any such appropriation has been made within the period of three fiscal years next succeeding the effective date of such appropriation, such appropriation shall be terminated upon approval of a duly warned Town Meeting. The fiscal year in which such appropriation was authorized shall be deemed the first fiscal year of such three-year period.
- (e) The Board of Finance, a Town Meeting, and Town officials who may be concerned with the operation of the Fund shall have any and all further powers, contained in CGS § 7-359 to 7-368 necessary to implement and administer the operation of the Fund and not specifically granted herein.

### Section 9-8: Long-Range Financial Planning

- (a) The Board of Finance may retain such expert advice as it deems necessary (Charter § 9-1(d)).
- (b) The Board of Finance or the Board of Selectmen may initiate joint meetings for purposes of discussions on long-range planning.
- (c) When any Town agency shall develop or plan to develop plans, they shall so inform both the Board of Finance and the Board of Selectmen and shall continue to inform both Boards of any proposed plans.
- (d) The Board of Finance may require all Town agencies dependent on the Town budget for any portion of their income to submit estimates for future spending. Such estimates shall be based on fiscal years for two years ahead of the current fiscal year and shall be the best estimates of the present Town agency. The estimates shall be submitted as the Board of Finance shall

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dictate as part of the annual preliminary budget preparation in each year.

### ARTICLE X: TRANSITION AND MISCELLANEOUS PROVISIONS

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

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

#### Section 10-2: Transfer and Continuation

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

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

#### Section 10-3: Amendment of this Charter (CGS Chapter 99)

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

#### Section 10-4: Saving Clause

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

#### Section 10-5: Effective Date

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

#### Section 10-6: Referenda

Referenda must be conducted in accordance with CGS §7-9 and CGS Chapter 152.