

**CHARTER REVISION COMMISSION  
REGULAR MEETING  
JUNE 7, 2021**

**Location:** **Location:** This will be a hybrid meeting at 7:00 p.m. You may attend in-person in the large meeting room at Town Hall, 83 Mountain Road, First Floor, Suffield, Connecticut or via Zoom at the link below. In-person attendance will comply with social distancing and modified room capacity protocols. Vaccinated not required to wear masks. Unvaccinated must continue to wear masks.

**Call-in number:** 1-646-876-9923

**Meeting ID:** 894 3565 7349

**Password:** 524161

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**Meeting called:** Charter Revision Commission

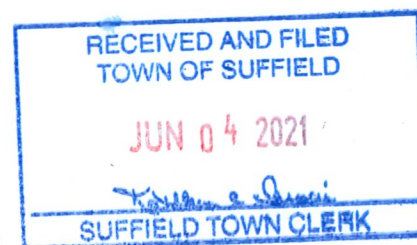
**By:** Chairman, Jeremiah Mahoney

**Type of meeting:** Regular Meeting

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**AGENDA**

1. Call to Order.
2. Pledge of Allegiance.
3. Public Comment.
4. Approval of the minutes from the May 18, 2021 Regular Meeting of the Charter Revision Commission.
5. Discussion and approval of police department operational study recommendation and proposed language for police department/commission;
6. Discussion and approval of proposed language for fire department/commission line of authority;
7. Discussion and approval of proposed WPCA language;
8. Discussion and approval of proposed succession language;
9. Discussion and approval of 4 year term for the first selectman;
10. Discussion and approval of town attorney's proposed edits/revisions;
11. Adjourn.



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**CHAPTER I**  
**Incorporation and General Powers**

**§ 101 Incorporation.**

All inhabitants dwelling within the territorial limits of the Town of Suffield as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Suffield," hereinafter called "the Town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said Town and not inconsistent with the provisions of this Charter, the additional powers and privileges conferred upon towns under the General Statutes of the State of Connecticut.

**§ 102 Rights and obligations.**

All property, both real and personal, all rights of action and rights of every description and all securities and liens in said Town as of the effective date of this Charter are continued. Nothing herein shall be construed to affect the rights of said Town to collect any assessment, charge, debt, or lien. The Town shall continue to be responsible for its debt, and obligations. If any contract has been entered into by said Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of said Town, which contains provisions that the same may be enforced by any office or agency therein named which is hereby abolished or superseded by the creation herein of a new commission, board or office to which are granted similar powers and jurisdiction, such contracts, bonds or undertakings shall continue in full force and effect. Powers conferred and the duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the First Selectman of the said Town.

**§ 103 General grant of powers.**

In addition to all powers granted to towns under the Constitution and the General Statutes, or which may hereafter be conferred, the Town shall have powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by the General Statutes, and by special acts of the General Assembly not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States Government or any branch thereof, the State of Connecticut or any agency or political subdivision thereof, or any other body politic or corporate not expressly forbidden by the Constitution and the General Statutes of the State of Connecticut. The enumeration of the

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particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

**CHAPTER II**  
**Elections**

**§ 201 General.**

Nomination and election of Federal and State officers and of such Town officers, boards and commissions as are provided for in this Charter shall be conducted in the manner prescribed in the Constitution and the General Statutes and special acts of the State of Connecticut applicable to the Town. ~~and the Registrars of Voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the Constitution and the General Statutes and special acts of the State of Connecticut applicable to the Town.~~ A Biennial Town election of the Town of Suffield for the election of municipal officers shall be held on the first Tuesday after the first Monday of November in 1985 and biennially thereafter.

**§ 202 Eligibility.**

No person shall be eligible for election to any Town office who is not at the time of his election a resident and ~~a~~ elector of the Town as defined by § 9-1 of the General Statutes. Any person ceasing to be a resident or ~~a~~ elector of the Town shall thereupon cease to hold elective office in the Town.

**§ 203 Minority representation.**

Membership in all elective or appointive boards, commissions, committees, or similar body of the Town shall be determined in accordance with the minority representation law as set forth in the General Statutes except for the Board of Selectmen as provided in § 401 of this Charter.

**§ 204 Vacancies in elective offices.**

Any vacancy, from whatever cause arising in any elective Town office, excluding the Board of Education and the Board of Finance and the office of the First Selectman, shall be filled within 30 days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. (Approved 11-3-1987, Sec. 2)

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Vacancies on the Board of Education and on the Board of Finance shall be filled by the remaining members of such Board, and shall be filled by appointment for the unexpired term or until the next regular Town election, whichever event shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If there is a regular Town election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term such person to take office immediately upon election.

If a vacancy shall occur in the office of First Selectman, the successor shall be chosen in accordance with the provisions of the General Statutes.

#### § 205 Board for Admission of Electors.

In accordance with the provisions of the General Statutes, the Board for Admission of Electors shall consist of the Town Clerk and the Registrars of Voters.

#### § 206 Voting districts.

Unless otherwise established by ordinance, there shall be one voting district in the Town.

### CHAPTER III

#### Elected Officers, Boards and Commissions

#### § 301 General powers and procedures; records.

A. Except as otherwise provided in this Charter, all elective Town offices, boards and commissions in existence on the effective date of this Charter shall remain in existence under this Charter, and shall have the powers and duties prescribed by the General Statutes, special acts applicable to the Town ~~and or~~ Town ordinances, as the same may be amended from time to time. When such Commission is removed from the Charter, any applicable Town ordinance shall be deemed to have been revoked.

B. All boards and commissions shall make ~~regulations-bylaws~~ for the conduct of their meetings and execution of their duties. Such ~~regulations-bylaws shall be approved at the first meeting following the biannual election which shall be an organizational meeting of the board or commission. and any amendments thereto~~ All bylaws shall be filed with the Town Clerk and

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shall be public records. All officers of boards and commissions shall be voted on and approved at the organizational meeting.

C. Copies of all minutes taken by each board and commission and the recorded vote of each member hereof on all issues shall be filed with the Town Clerk ~~and with the First Selectman in accordance with the requirements of within the time specified in the~~ Connecticut General Statutes. The Town Clerk shall maintain files of such minutes, which shall be public records, in accordance with the Connecticut General Statutes.

**§ 302 Elected Town officers, boards and commissions.**

Beginning with the regular biennial Town election held in November 1985, the following officers and members of boards and commissions shall be elected. Except as otherwise provided in this Charter, the terms of office of all elective officers, board, and commission members shall commence on the second Tuesday following their election and shall not expire before the election and qualification of their successors.

A. The First Selectman and four Selectmen shall compromise the Board of Selectmen, and each shall be elected for a term of two years, in accordance with the General Statutes. Any unsuccessful candidate for the office of First Selectman shall not be accorded a seat on the Board of Selectmen by virtue of the number of votes that candidate receives. No person may simultaneously be a candidate for both the office of First Selectman and the office of Selectman.  
~~(Approved 11-6-2001)~~

B. The Town Clerk for a term of four years rather than two years effective with the election of 1987. The term of office of the Town Clerk shall commence on the First Monday in January.

C. The Town Tax Collector for a term of four years rather than two years effective with the election of 1987. The Tax Collector shall have all the powers and duties not inconsistent with this Charter heretofore performed by the Tax Collector and such powers and duties not inconsistent with this Charter as may be conferred or imposed by the General Statutes on such office and as may be prescribed by ordinance or the Board of Selectmen, including the collection of all sewer fees and sewer assessments.

D. The Town Treasurer, for a term of four years rather than two years, effective with the election of 1987.

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E. The Board of Finance shall consist of six members, each of whom is elected for a term of four years. Each party may nominate and each elector may vote for the full number of candidates to be elected. Three members shall be elected at each biennial election. There shall be three alternate members, each of whom is selected for a term of four years. All alternates are to be elected at the same election, and quadrennially thereafter. Members of the Board of Finance shall be excluded from any salaried Town office.

F. The Board of Education shall consist of nine members, each of whom is elected for a term of four years. Four members are to be elected at the regular biennial Town election held in November, 1985, and five members are to be elected at the regular Town election held in November, 1987. At each biennial election thereafter there shall be elected members of such Board in place of the members whose terms expire. Nominations and elections shall be governed by General Statutes § 9-204b. Each party may nominate and each elector may vote for the full number of candidates to be elected.

G. The Board of Assessment Appeals shall consist of three members each of whom is elected for a term of four years. At each biennial election thereafter there shall be elected members of such board in place of members whose terms expire.

H. The Board of Police Commissioners shall consist of ~~six-five~~ members, each of whom is elected for a term of four years, in accordance with Special Act 100 (1945). Following the adoption of this charter, the Town Meeting shall adopt Special Act 100 (1945) as an ordinance of the Town pursuant to the requirements of the General Statutes. The Town Meeting shall amend said ordinance so that it is consistent with this section. At each biennial election there shall be elected members of such board in place of members whose terms expire. The Board of Police Commissioners shall have the powers afforded to it by the Connecticut General Statutes. Day to day operations shall be handled by the Chief of Suffield Police Department acting as a Department Head reporting to the First Selectman

I. The Board of Fire Commissioners shall consist of six members, each of whom is elected for a term of four years.

The Board of Fire Commissioners shall have the powers afforded to it by the Connecticut General Statutes, except that day to day operations shall be handled by the Chief of Suffield Fire Department acting as a Department Head reporting to the First Selectman.  
~~At each biennial election there shall be elected members of such board in place of members whose terms expire.~~

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J. Eighteen Justices of the Peace as the Town may by ordinance determine to be selected, rather than elected, as provided in §§ 9-184 and 9-252 of the General Statutes.<sup>[1]</sup> The term of office shall be four years and shall commence on the first Monday in January following their selection.

[1]

*Editor's Note: Section 9-252 of the Connecticut General Statutes has been renumbered § 9-183b.*

K. The Water Pollution Control Authority ("WPCA") shall consist of seven members, each of whom is elected for a term of four years: ~~At the election of the Town of Suffield held in November 1985, there shall be elected two members for a term of four years; at the election to be held in November 1987, there shall be elected two members for a term of four years; at the election to be held in 1989, there shall be elected three members for a term of four years and then at the election to be held in 1991 there shall be elected four members for a term of four years. At~~ at each biennial election thereafter there shall be elected members of such board for a term of four years in place of the member or members whose terms expire. The WPCA annual budget shall be submitted each year to the Board of Finance for review, comment and advice.

The WPCA shall have all powers prescribed to it under the Connecticut General Statutes to provide for the effective management of waste water in the Town. The WPCA shall set such policies required for the effective management of waste water and shall direct the Superintendent of the WPCA to implement such policies. The WPCA shall control its annual budget except that such budget shall be submitted each year to the Board of Finance for review, comment and advice and to assess any impact such budget has on the Town's long-term obligations to its employees. All employees working at the WPCA facilities shall be employees of the Town of Suffield and subject to the policies adopted by the Town in accordance with this Charter.

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L. A Planning and Zoning Commission, consisting of six regular members and three alternates, each of whom is elected for a term of four years. At a municipal election of the Town of Suffield to be held in November, 1987, there shall be elected three members and two alternates for a term commencing the second Tuesday following the 1991 municipal election, and there shall be elected three members and one alternate for a term commencing the second Tuesday following the 1989 municipal election. At appropriate municipal elections thereafter there shall be elected members of such commission for a term of four years in place of the members whose terms expire.

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~~Section 706D of the Charter, which provided for an appointed Planning and Zoning Commission is hereby replaced and superseded, effective 10:00 a.m. on the second Tuesday following the 1987 municipal election, except that the current regular members and alternates of that Commission or their successors shall continue to hold office until their successors elected hereunder have been qualified to succeed them on the second Tuesday following such election. The rules, regulations and orders of the current Planning and Zoning Commission not inconsistent with the provisions of this Charter shall be and shall continue to remain in full force and effect unless and until amended or repealed.~~

The Planning and Zoning Commission hereby established under this provision shall be considered fully adopted and established under the provisions of the Connecticut General Statutes without further vote of the legislative body of the Town of Suffield, and the Rules, Regulations and Orders of the current Planning and Zoning Commission not inconsistent with the provisions of this Charter shall be and shall continue to remain in full force and effect without further public hearing and vote by the Planning and Zoning Commission established under this provision unless and until amended or repealed.

Unless otherwise provided in this Charter, all incumbent elected officers and members of boards and commissions on the effective date of this Charter shall continue to hold the offices to which they were elected for the terms for which they were elected and until their successors elected hereunder have been qualified to succeed them. Unless otherwise provided by this Charter, officers of elected boards and commissions shall be chosen biennially at a meeting held after the commencement of terms of members elected at the regular biennial Town election.

~~(Approved 11-3-1992)~~

#### § 303 Elected state officers.

~~At the state election to be held in November 1986, and either biennially or quadrennially thereafter, as the case may be, there shall be elected the following officers:~~

Two Registrars of Voters, in accordance with the applicable provisions of the General Statutes, for terms of four years, unless subsequently otherwise provided by ordinance, to take office from the Wednesday following the first Monday in January succeeding their election.

## CHAPTER IV

### The Board of Selectmen

#### § 401 Composition.

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The Board of Selectmen shall consist of the First Selectman and four Selectmen, no more than three of the Board of Selectmen shall be members of the same political party and who shall be elected as this Charter provides. ~~(Approved 11-6-2001)~~

#### § 402 General powers and duties.

Except as otherwise specifically provided for in this Charter, the Board of Selectmen shall have the powers and duties which on the effective date of this Charter were conferred by the Constitution and the General Statutes of the State of Connecticut upon the Board of Selectmen, and shall continue to have such powers and duties as the Constitution and General Statutes, and this Charter, as the same may be amended from time to time confer.

#### § 403 Appointments.

The Board of Selectmen shall have the power to appoint such personnel and members of Boards and Commissions as provided for in Chapters VI and VII of this Charter, and by the General Statutes.

#### § 404 Organization.

The newly elected Board of Selectmen shall hold an organizational meeting within 14 days after taking office. The First Selectman shall assume the chair as permanent presiding officer of the Board. The Board shall then designate who shall act in place of the First Selectman in the event of absence or disability. At the organizational meeting, the Board of Selectman shall renew such policies necessary for the operation of the Town.

#### § 405 Procedure.

The Board of Selectmen in accordance with the General Statutes and this Charter shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall determine its own rules of procedure, except that subject to Connecticut General Statutes 1-200 et. sq., each Selectman shall always retain the ability to make a motion ~~or offer a proposal which shall be considered by the Board without~~ without the necessity of a second. 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 and no resolution or action shall be adopted by fewer than three affirmative votes. ~~(Approved 11-6-2001)~~

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All meetings shall be open to the public excepting that upon a majority vote, portions of the meeting may be closed to the public for executive sessions as provided for by Section 1-200 et. seq. of the Connecticut General Statutes.

**§ 406 Emergency ordinances.**

If the Board of Selectmen shall find that an emergency exists in the Town affecting public peace, health or safety, it shall be empowered to adopt regulations and ordinances stating the facts constituting the public emergency, which regulations shall become effective immediately upon the affirmative vote of no fewer than three members of the Board without public hearing or notice thereof. When the Board of Selectmen shall find that an emergency no longer exists, it shall so declare and terminate the state of emergency. Every such emergency regulation or ordinance shall be repealed upon the termination of the emergency and shall automatically stand repealed at the termination of the sixty-first day following the adoption thereof. Provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under this Charter prior to the sixty-first day, then such emergency ordinance shall remain in full force and effect until final action is taken on said permanent ordinance.

**§ 407 Investigations, removals.**

**A.** The Board of Selectmen shall have the power to investigate any and all appointive agencies, boards, commissions, departments and offices, and for such purposes shall have the power to call witnesses before the Board of Selectmen to testify as to any matter under investigation.

**B.** Subject to the provisions of the General Statutes and any municipal collective bargaining agreements made thereunder by the Town of Suffield, the Board of Selectmen shall have the power to and may remove for cause, which cause shall not be political, by affirmative vote of the majority of the Board, any person appointed to any agency, board, commission, department and office by the Board of Selectmen. Removal by the Board of Selectmen of any such person shall be commenced by the giving of a written notice of proposed removal, stating the reasons for such removal and the effective date of such removal, which date shall not be less than 14 days after receipt of said notice by the person to be removed. If such person shall desire a hearing thereon, he/she shall request the same in writing within 10 days of the receipt of said notice and the Board of Selectmen shall set a hearing date not less than 10 days nor more than 30 days after receipt of said request and shall take final action on said removal not more than 30 days after said hearing.

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If a hearing is held as provided herein, the person to be removed shall be entitled to be represented by counsel, and to present witnesses and evidence in support of his position. If the person to be removed shall fail to so request a hearing then the removal shall take effect on the date stated in said notice.

C. If the Board of Selectmen has reason to believe that pending the effective date of a removal, the immediate suspension of the person to be removed is necessary for the protection of the interests of the Town, it may serve a written notice of suspension upon such person. Such suspension shall become effective immediately and remain in effect pending the completion of the removal proceeding unless such suspension is modified or terminated by the Board of Selectmen or a court of competent jurisdiction.

D. The compensation of a person being removed or suspended shall continue until such removal becomes effective or until a later date not exceeding three months from the effective date of removal if so specified in the notice of removal.

**§ 408 Compensation.**

The members of the Board of Selectmen and all other elected Town officials shall receive such compensation as may be determined by the Annual Town Budget submitted to and adopted at the annual Town budget meeting.

**§ 409 Presentation of annual report.**

The Board of Selectmen shall hold a hearing by February 28 of each year to present the annual report, after which hearing it shall adopt the annual report within fifteen days, with corrections to the official copy, if necessary. (Approved 11-3-1992)

**CHAPTER V**  
**The First Selectman**

**§ 501 General.**

The First Selectman shall be the full-time, Chief Executive Officer and Chief Administrative officer of the Town. Said First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside when present at meetings of said board. The

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First Selectman, or one of the other Selectmen designated by him/her within two weeks of the beginning of their term of office, shall be an ex officio member of all other Town boards, commissions and agencies. The First Selectman or his/her said designee shall receive such advance notification of such meetings as is given to the regular members of said body.

#### § 502 Powers and duties.

The First Selectman shall have the powers and duties provided in this Charter and those provided in the General Statutes, Special Acts, and ordinances and regulations of the Town of Suffield not inconsistent with this Charter.

A. He/she shall be the official head of the Town for all ceremonial purposes, for emergency ~~military~~ purposes and for purposes of receiving civil process.

B. He/she shall establish and be responsible for enforcing the administrative and personnel policies for the Town offices and employees subject to the approval of the Board of Selectmen. He/she shall be responsible for the management of all Department Heads, who shall report to the First Selectman on the daily operations of their Department. He/she shall execute or cause to be executed the Town ordinances, regulations, resolutions and policies.

C. He/she shall have responsibility for the care, maintenance and operation of all buildings, lands, apparatus and property which are subject to the control of the Board of Selectmen.

D. With the approval of the Board of Selectmen, he/she shall enter into contracts or agreements with government agencies, corporations and others subject to the limitations in this Charter.

E. With the approval of the Board of Selectmen, he/she shall supervise the administration of the affairs of the Town, except those matters which, by Charter, or by ordinances are exclusively committed to the Board of Education or other boards or commissions.

F. With the exception of the Board of Education, On-on matters requiring consistency and coordination across Town departments\* and ~~their~~ employees, the First Selectman shall have executive authority, in consultation with any respective board or commission, over Town employees for such matters.

~~\*With the exception of the Board of Education, WPCA, and the Director of Finance~~

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**CHAPTER VI**  
**Appointive Personnel**

**§ 601 Appointments.**

The Board of Selectmen shall from time to time appoint an Administrator of Social Services, a Town Counsel, a Building Inspector, an Assessor, a tree warden and other such personnel as it may from time to time deem necessary and appropriate in furtherance of the best interest of the Town or required by the Connecticut General Statutes. The compensation of such persons, if any, shall be determined in the same manner as provided for determining the compensation of the Board of Selectmen in § 408 hereof.

**§ 602 Vacancies.**

Any vacancies in any position appointed by the Board of Selectmen as provided in § 601 hereof shall be filled by the Board of Selectmen. Persons appointed to fill vacancies in said position 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.~~

**§ 603 Town Counsel.**

A. The Town Counsel shall be an attorney at law admitted to practice in this State.

B. Except as otherwise provided by law, he/she shall appear for and protect the rights of the Town in all actions, suits, or proceedings brought by or against it or any of its departments, officers, agencies, boards and commissions. This section shall not apply to the Board of Education which may retain counsel with the appropriate expertise in matters related to education law.

C. He/she shall be the legal advisor of the Board of Selectmen, and all Town officers, agencies, boards and commissions in all matters affecting the Town and shall upon written request furnish a written opinion on any questions of law involving their respective powers and duties.

D. Upon request he/she shall prepare and approve forms of contracts , bid and purchase documents or other instruments to which the Town is a party or in which it has an interest.

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E. He/she shall have the power, with the approval of the Board of Selectmen, to appeal from orders, decisions and judgments and subject to the approval of said Board of Selectmen, to compromise and settle any claims by or against the Town.

**§ 604 Administrator of Social Services.**

The Administrator of Social Services shall have such powers and duties as may be prescribed by the Board of Selectmen. Provided that the Board of Selectman may delegate these duties by contract to outside agencies.

**§ 605through § 607. (Reserved) [1]**

[1]

*Editor's Note: Sections 605, 606 and 607 were deleted 11-3-2015.*

**§ 608 Constables.**

Constables serving the Town of Suffield shall be appointed by the Board of Selectmen; on the Tuesday after the first Monday of January, there shall be appointed six constables who shall hold office for terms of two years from said date, the political affiliation of these said constables shall not be inconsistent with the provisions of §9-200 and 9-185a 9-167a of the General Statutes; and said constables shall have no criminal jurisdiction.

**§ 609 Assessor.**

The powers and duties of the Assessor shall be those set forth by any and all of the General Statutes concerning the assessment of real and personal property, particularly Title 12 and Title 9 of the General Statutes.

**§ 610 (Reserved) [1]**

[1]

*Editor's Note: Section 610 was deleted 11-3-2015.*

**§ 611 Director of Finance.**

A. A majority of the combined memberships of the Board of Selectmen and the Board of Finance shall appoint for a maximum term of four years, which may be renewed, a director of

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finance, who shall be chosen exclusively on the basis of professional qualifications, character and administrative experience. The Board of Finance and the Board of Selectmen shall meet at least 90 days prior to the expiration of the present Director of Finance's term to discuss and approve the appointment of a new Director of Finance for a term of up to four years or the reappointment of the present Director of Finance for an additional term of up to four years.

B. The Director of Finance shall be directly responsible to the Board of Finance for such duties as planning, organization, and direction of accounting, and payroll; assisting in administration of the Town's Insurance, Employee Benefits and Purchasing Programs; assisting in cash management and in the preparation of the operating and capital budgets; responsible to the Board of Selectmen for such other duties as the Board of Selectmen may assign. The Director of Finance, the First Selectman and the Treasurer shall be in frequent contact and shall at all times coordinate their efforts so as to serve the best interest of the Town of Suffield.

C. A majority of the combined membership of the Board of Finance and the Board of Selectmen shall have the power to remove the Director of Finance, provided; however, no removal proceedings, except for cause, may be initiated until six months following the most recent Town election. (Approved 11-3-1987, Sec. 6; Approved 11-3-1992)

**CHAPTER VII**  
**Appointed Boards and Commissions**

**§ 701 General powers and procedures; records; compensation.**

A. Except as otherwise provided in this Charter, all appointed boards and commissions shall have the powers and duties prescribed by ~~law~~the Town Charter, Connecticut General Statutes and ordinances of the Town of Suffield.

B. All boards shall ~~make-set bylaws regulations-~~for the conduct of their meetings and the execution of their duties. Such ~~bylaws shall be approved at the beginning of each new term and regulations and any amendments thereto~~ shall be filed with the Town Clerk ~~and shall be and available to the public records.~~

C. Copies of all minutes taken by each board and the recorded vote of each member thereof on all issues shall be filed with the Town Clerk and with the First Selectman within the time specified in the General Statutes. The Town Clerk shall maintain files of such minutes which shall be public records subject to §1-200, et. sec. of the Connecticut General Statutes.

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D. Board members shall serve without compensation except that necessary expenses incurred in the performance of their duties shall be paid from appropriation for that purpose.

E. All resignations must be submitted in writing to the Town Clerk. Except if any officer or member shall cease to be a resident of the Town, such person shall thereupon cease to hold such office or membership.

**§ 702 Eligibility.**

Except as otherwise provided herein or by Ordinance or the Connecticut General Statutes, all members of boards, commissions and committees shall be residents and electors of the Town and shall have such qualifications as may be provided by the Board of Selectmen, or by the General Statutes. ~~Except as otherwise provided herein, if any officer or member shall cease to be an elector of the Town, such person shall thereupon cease to hold such office or membership.~~

**§ 703 Vacancies.**

Any vacancy in any appointive board or commission, from whatever cause arising, shall be filled by the Board of Selectmen. Persons appointed to fill such vacancies shall serve for the unexpired portion of the term vacated.

**§ 704 Minority representation.**

Minority representation on any appointed board, commission or other similar body of the Town shall be determined in accordance with the provisions of § 9-167a of the General Statutes.

**§ 705 Terms of office.**

Except as otherwise provided in this Charter, the term of office of the appointed boards and commissions shall commence in accordance with the selection schedule established by the Board of Selectmen. All alternate members of boards and commissions unless specifically provided in this Charter shall take office on the such first day of July date provided for by the Board of Selectman to insure that there is a staggering of the expiration of all terms.

The members and alternates on all appointive boards, commissions and committees shall be appointed for terms of four years and until their successors have been appointed and duly qualified. Except as otherwise specifically provided in this Charter, the composition, powers and

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duties, and all other incidents of said existing and future boards, commissions and committees shall be determined by special acts applicable to the Town and ordinances and, where appropriate, resolutions of the Town, as the same may be amended from time to time. If by virtue of any ordinance or resolution in effect prior to the effective date of this Charter the members or alternates of any existing board, commission or committee have been appointed for terms in excess of or less than four years, the Board of Selectmen shall ensure that future appointments and reappointments shall be for four year terms.

**§ 706 Appointed boards and commissions.**

There shall be the following boards and commissions:

A. Conservation Commission, consisting of seven members and two alternates. (Approved 11-3-1987, Sec. 1)

B. Social Services Commission, consisting of seven regular members who shall be appointed for four-year terms except that the initial terms of four of the seven shall be two years. All succeeding terms for those four members shall be for four years. The Social Services Commission shall oversee the efforts of the Town Social Worker, The Youth Services Director, the Mini Bus and the Senior Center. ~~(Approved 11-6-2001)~~

C. Advisory Commission on Capital Expenditures, consisting of five regular members and two alternates, none of whom shall hold a salaried Town office.

D. Zoning Board of Appeals, consisting of five regular members and three alternates.

E. Parks and Recreation Commission, consisting of seven regular members and two alternates.

F. Emergency Management Office, consisting of a director and a six member advisory council which shall include the Police Chief, the Fire Chief, Ambulance Director, the First Selectman and two electors of the Town.

G. Permanent Building Commission, consisting of six members and two alternates. The Board of Selectmen shall appoint one of the six members to act as liaison to the Board of

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Finance. In addition to the six members mentioned above, the Board of Selectmen shall appoint a member from each Board(s)/Commission(s) responsible for a permanent building commission project; said member shall be recommended by that Board(s) or Commission(s) and shall have voting rights only on the matters relevant to that board's or commission's project.

- H. Historic District Commission, consisting of five regular members and three alternates.
- I. Housing Authority, consisting of five members.
- J. Economic Development Commission, consisting of five members and two alternates.
- K. Retirement Commission, consisting of ~~six~~ no less than six members, of whom there shall be three electors, the First Selectman, The Town Treasurer, and a member of the Board of Finance appointed by the Chairperson of that Board and members of such unions as provided for in arbitration rulings against the Town.
- L. Such additional appointive boards, commissions and committees as the legislative body of the Town may by ordinance ~~or resolution~~, as appropriate, from time to time, determine.
- M. The Library Commission, consisting of twelve members. ~~Following the election of 1987, there shall be appointed six members for a term of four years in place of those members whose elected office shall expire, and following the election of 1989 there shall be appointed six members for a term of four years in place of those members whose elected term of office shall expire. At appropriate dates, thereafter there shall be appointed members of said commission for a term of four years in place of members whose terms expire. There shall be no further election of members after 1985.~~
- N. Building Code Board of Appeals, consisting of five regular members; alternate members will be appointed in accordance with Town ordinance. Such members of the Building Code Board of Appeals are not required to be electors of the Town of Suffield and all members must be qualified according to the specifications of the General Statutes of the State of Connecticut. (Approved 11-3-1992)

#### § 707 Regional and interlocal agencies.

The Town shall continue to participate in such regional and interlocal agencies and programs as authorized by ordinances adopted pursuant to the applicable provisions of the General Statutes.

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Nothing in this Charter shall be construed as limiting the authority of the Town to continue such participation or join new regional programs.

**§ 708 Creation and discontinuance of offices and temporary committees.**

The First Selectman shall appoint and may remove, each such action with the approval of the majority of the Board of Selectmen, such other assistants, employees or temporary committees as may be required by the needs of the Town, subject to such rules and regulations concerning Town employees as may be adopted pursuant to the provisions of Chapter IX of this Charter. The Board of Selectmen, by majority vote of the entire Board may also discontinue any such position of assistant, employee or temporary committee which it deems no longer necessary or proper to continue in existence.

**CHAPTER VIII**  
**Finance and Taxation**

**§ 801 Fiscal year.**

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

**§ 802 General powers and duties of the Board of Finance.**

The Board of Finance shall have all the powers and duties provided by the General Statutes and this Charter. The Board of Finance shall be the financial and budget-making authority of the Town, and shall organize its work to provide:

- (1) Preparation of the Annual Town Budget for the following fiscal year,
- (2) Management and monitoring of the Annual Town Budget for the current year,
- (3) Annual audit of the books and accounts of the Town by an independent public accountant or firm of independent public accountants, as provided in the General Statutes of the State of Connecticut,
- (4) Development of long-range financial planning for the Town in conjunction with the Advisory Commission on Capital Expenditures,

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**(5) Preparation and publication and distribution of the Town Report.**

Four members shall constitute a quorum and no vote, resolution or other matter shall be approved by fewer than four affirmative votes. The total number of all voting members, alternates plus regular members, shall never be greater than six.

**§ 803 Annual Town budget preparation.**

**§ 803-1 Board of Selectmen.**

The Board of Selectmen will receive from all offices, departments, boards, committees or agencies of the Town dependent on the Annual Town Budget for any portion of their operating income, excepting the Board of Education, not later than 1 February a copy of their separate itemized recommended Annual Town Budget for the ensuing year.

Not later than 1 March, the Board of Selectmen will present to the Board of Finance a consolidated recommended Annual Town Budget, containing such detail as required by the Board of Finance and outlining the financial policy of the Town government, describing therein features of the Annual Town Budget plan, indicating any major changes from the current fiscal year and changes from those recommendations of the several boards, commissions, and agencies with reasons therefor. As a part of the Annual Town Budget, the Board of Selectmen shall present a recommended program concerning municipal improvements or proposed capital projects for the ensuing fiscal year and for five years thereafter.

In preparing the consolidated recommended Annual Town Budget the Board of Selectmen will effect such savings/budget reductions as may result from centralized purchasing and bidding procedures as have been outlined by the Board of Finance.

**§ 803-2 Board of Finance.**

Preliminary discussions: at the beginning of each administration and once a year prior to the determination of budgetary guidelines for the ensuing fiscal year, the Board of Finance may request a meeting with the Board of Selectmen for purposes of general discussion of goals and financial commitments of all departments, boards, offices, agencies and committees of the Town other than the Board of Education; similarly, such meeting may be requested with the Board of Education.

Not later than the fifteenth day of January, the Board of Finance will make known to the Chairmen of those boards, committees, and agencies and offices of the Town dependent on the Annual Town Budget for any portion of their operating income, such guidelines, forms, and

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requisites as may direct and assist the preparation and presentation of their respective budget proposals.

The Board of Finance will receive from the aforementioned boards, committees, and agencies of the Town not later than February 1 their separate itemized estimate of expenditures for the ensuing fiscal year and will receive from the Board of Selectmen not later than March 1 the consolidated recommended Annual Town Budget for the Town, not including the Board of Education. The budget proposal of the Board of Education shall be presented to the Board of Finance not later than the last Monday of March.

The Board of Finance will review the several and joint estimates of expenditures; it will attempt to reconcile priorities, estimates, and proposals through meetings with the Chairperson and First Selectman; it will refine its review of the preliminary Annual Town Budget with estimates of income and will prepare its own preliminary Annual Town Budget which shall become the proposed Annual Town Budget. These actions should be completed not later than May 1.

**§ 803-3      Annual Town Meeting for Annual Town Budget approval.**

Not later than 14 days prior to the scheduled Annual Town Meeting for ~~Annual~~ Town Budget Approval, the Board of Finance will hold at least one public hearing at which time any elector or taxpayer shall have the opportunity to be heard regarding appropriations for the ensuing year. Printed copies of the proposed Annual Town Budget shall be available at the office of the Town Clerk not less than 48 hours prior to said hearing, and the Board may make such copies available at such other locations and through distributions as it may prescribe. Further, at least five days prior to the hearing, the Board will cause to be published in a newspaper having a general circulation within the Town a notice of that hearing, an abbreviated summary of proposed Annual Town Budget estimates, and the estimated amount to be raised by taxation. After the hearing(s), the Board of Finance shall then revise the preliminary Annual Town Budget if/as it deems desirable, and shall prepare a final proposed Annual Town Budget which shall be filed with the Town Clerk for presentation at the Town Meeting for its adoption. Sufficient copies of the final proposed Annual Town Budget shall be made available for distribution in the office of the Town Clerk at least five days prior to the Annual Town Meeting for Annual Town Budget Approval; further and again, at least five days prior to the Town Meeting the final proposed Annual Town Budget shall be published in accordance with the General Statutes. Within 10 days after the adoption of the Annual Town Budget the Board of Finance shall fix the tax rate in mills which shall be levied on the taxable property in the Town for the ensuing fiscal year.

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Should the Town Meeting reject the proposed Annual Town Budget, the procedures of § 1005 herein will prevail. (~~Approved 11-3-1992~~)

**§ 804 Other financial matters.**

**A.** The estimated expenditures submitted by the Board of Finance to the Annual Town Budget Meeting may include a recommendation for a contingency fund which shall not exceed 2% of the total expenditures for the current fiscal year. No expenditures or transfers may be made from this fund without the approval of the Board of Finance.

**B.** Upon recommendation of the Board of Finance and approval by the Annual Town Budget Meeting, a reserve fund for capital and nonrecurring expenses may be established and used in accordance with the General Statutes. (~~Approved 11-6-2001~~)

Upon recommendation of the Board of Finance and the approval of the Annual Town Budget Meeting there shall be paid into the reserve fund:

(1) Monies transferred thereto from the general fund cash surplus available at the end of any fiscal year;

(2) Monies raised by annual levy of a tax not to exceed two mills for the benefit of such fund, and for no other purpose, such tax to be levied and collected in the same manner and at the same time as the regular taxes of the Town;

(3) Monies which are surplus cash funds already held in reserve and available for such capital and nonrecurring expenditures as are contemplated/provided in the following paragraphs. All such monies so accumulated together with the interest which may accrue thereon shall be deposited in a separate bank account by the Treasurer and shall be used for the purposes of and in a manner prescribed by the Board of Finance and the Town Meeting.

All or any portion of the reserve fund may be used to finance the planning, construction, reconstruction, or acquisition of any specific item or equipment of such category, character, or nature as not to be a purpose or object for which any appropriation is customarily made annually. Such appropriation may be made only upon recommendation of the Board of Finance and with the approval of a duly called Town Meeting. The designated amount(s) may be decreased by the Town Meeting but may not be increased.

The Town Meeting may make no special appropriation or transfer of funds not recommended by the Board of Finance. Upon such approval of any project or acquisition, an appropriation shall be

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set up plainly designated for the specific project or acquisition for which it was approved, and such unexpended appropriation may continue, subject to limitations hereinafter stated, until such project or acquisition is completed. Any unexpended portion of the appropriation remaining after completion shall revert to the reserve fund.

Any appropriation set up to be drawn from the reserve fund may at any time subsequent to the effective date of its establishment, 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 a period of three fiscal years next following the effective day of such appropriation, that 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 the three-year period.

The Board of Finance, the Town Meeting, and any Town Official(s) who may be concerned with the operation of this fund shall have any and all further powers as provided in Chapter 108 of the General Statutes necessary to implement and administer the operation of this fund and not specifically granted herein.

C. Supplemental Appropriations are permitted for items not listed in the approved Annual Town Budget or caused by serious budgetary deficiencies. All requests for special appropriations shall be made in writing to the Board of Selectmen. The Selectmen shall make their comments and recommendations and, if appropriate, shall include the Treasurer's recommendations on financing, and shall present the request to the Board of Finance for action. The Board of Finance shall act on all requests for supplemental appropriations and if such appropriation is to be recommended will move for the call of the Town Meeting.

D. For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which in any fiscal year shall not exceed 2% of the Annual Town Budget, may be made by the Board of Finance by an affirmative vote of not fewer than four members thereof, upon previous recommendation of the Board of Selectmen. In the absence of sufficient available unappropriated and unencumbered general fund resources to meet such appropriations, additional means of financing shall be provided in such a manner, consistent with the provisions of this Charter, as may be determined by the Board of Finance.

E. Initial applications for federal and state grants involving the expenditure of Town funds, not otherwise requiring action by a Town Meeting, shall require approval by the Board of Selectmen and Board of Finance. The acceptance and appropriation of federal or state government grants of an amount equal to 1/4 of 1% of the adopted Annual Town Budget or less may be made by the Board of Finance and either the Board of Selectmen or Board of Education without Town Meeting approval. (Approved 11-3-1987, Sec. 5; Approved 11-3-1992)

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**§ 805 Borrowing.**

The Town shall have the power to incur indebtedness by issuing its bonds or notes, subject to the limitations defined in the General Statutes and the provisions of this Charter. The issuance of bonds and notes, the terms of which are in excess of one year, except tax anticipation notes, shall be authorized by resolution passed by majority vote at a duly warned Town Meeting.

The Town may, however, borrow in anticipation of taxes an amount not to exceed such taxes. The Town Treasurer, with the approval of the Board of Selectmen and the concurrence of the Board of Finance, is authorized and empowered to borrow money in anticipation of taxes to be collected and to issue Town notes therefor, in amount not to exceed one million dollars. The Town may borrow in anticipation of taxes in excess of one million dollars but not to exceed such taxes, upon recommendation of the Board of Finance and affirmative vote by a majority of qualified voters present and voting at a duly warned Town Meeting. Any amount borrowed in anticipation of taxes shall be repaid within the same fiscal year.

**§ 806 Contributions.**

The Town shall make no contributions to any organization or private corporation except as herein provided. All contributions will be deliberated and approved by the Board of Selectman with due consideration given to financial statements of target organizations, agencies and corporations submitted in support of the request for funds. Contributions, and all approved by the Board of Selectman shall be further approved by the Board of Finance-contributions and will be listed as an integral part of the Town's Annual Budget.

**§ 807 Expenditures and accounting.**

A. The Town's financial records shall be maintained in accordance with generally accepted accounting principles as required by the General Statutes.

B. The Treasurer or his agent shall cause the amount of authorized purchases and contracts for future purchases to be recorded as encumbrances against the appropriations from which they are to be paid. Similarly, in the management of the accounts for which it has been authorized control, the Board of Education will apply like procedures.

C. No expenditure and no commitment to make an expenditure shall be made, caused to be made, or authorized by any officer, agent, or agency of the Town, or by any Board or

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Commission of the Town unless an appropriation shall have been made covering such an expenditure or commitment in accordance with the provisions of this Charter.

D. Each order drawn upon the Town shall state the department, commission, board, agency or officer and the appropriation against which it is to be charged.

E. No voucher, claim or charge against the Town shall be paid until the same has been audited for correctness and validity and approved for payment by the Treasurer or his agent. The Board of Selectmen, with input from the Board of Finance, shall regularly set a bid and purchase policy which will ~~exercise primary responsibility for formulation of policy relative to set~~ requirements for quotes, bids and such other criteria as it may establish to control purchasing and the accomplishment of purchase orders, and the Board of Finance, will exercise oversight responsibilities over all boards, commissions, and agencies of the Town. The Board of Selectman may waive the bid and purchase policy with a 2/3 vote when such waiver is deemed in the best interest of the Town.

Payment of all approved claims against the Board of Education shall be first authorized by the Superintendent of Schools or his agent and by a designated member of the Board of Education, which authorization shall be valid when countersigned by the Treasurer or his agent acting as the Treasurer. Similarly, approved claims against the Water Pollution Control Authority shall first be authorized by the Chairperson of the Authority or his agent and shall be valid when countersigned by the Treasurer or his agent acting as the Treasurer. Payment of all other Town accounts shall be authorized by the First Selectman and one other member of the Board of Selectmen, which authorization shall be valid when countersigned by the Treasurer or his agent acting as the Treasurer, provided that in the absence of or the inability to act of the First Selectman, any two of the remaining Selectmen will be signatories of the authorization.

F. Every payment made in violation of the provisions of this Charter shall be deemed illegal, null and void, and every official willfully authorizing or making such payment or taking part therein or receiving any part thereof shall be jointly and severally liable to the Town for full amount so paid or received.

G. The Treasurer in consultation with the Town's Finance Department, shall prescribe the time at which and the manner in which persons receiving money on behalf of the Town shall pay the same to him/her in his capacity as Town Treasurer.

H. Upon request the Board of Selectmen during the final 30 days of the fiscal year, the Board of Finance may by resolution, transfer any unencumbered appropriation, balance or

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portion thereof from one department, board, commission, agency or office to another; provided, however, that this provision shall not apply to the appropriations allocated to the Board of Education or to the Water Pollution Control Authority. This paragraph does not pertain to utilization of the Town contingency fund and shall not prohibit the Board of Financing from transferring funds to the Board of Education or Water Pollution Control Authority.

I. Any portion of an annual appropriation remaining unexpended or unencumbered at the close of the fiscal year shall lapse; provided, however, that appropriations for construction or for the other permanent improvements from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided further that any such project shall have been deemed abandoned if three fiscal years shall elapse without any expenditure from or encumbrances of the appropriation therefor.

J. The Board of Finance shall prescribe such periodic reporting of income and encumbrance and expenditures from all Town Agencies dependent on the Annual Town Budget for any portion of their income as it deems necessary.

K. The Board of Selectmen in conjunction with the Board of Finance shall be responsible for developing a written policy to provide for centralized purchasing in an efficient manner, using competitive bidding to the maximum extent practicable.

The First Selectman shall be responsible for ensuring compliance with such written policy and shall inform the Board of Finance of the extent of compliance with such a policy on at least a semiannual basis. The Board of Finance shall consider compliance of each office, board and commission with such policy in preparing and approving the Annual Town Budget for the upcoming fiscal year.

## **CHAPTER IX**

### **Town Employees**

#### **§ 901 Personnel policy.**

The Board of Selectmen shall be responsible for the approval of such personnel policies of the Town and shall ~~prepare and keep up to date the following subject~~ approve from time to time, approve such policies in accordance with ~~to~~ the provisions of applicable state statutes dealing with municipal collective bargaining agreements to which the Town is a party. The Town's human resources department, in consultation with the First Selectman shall develop and enforce such policies which shall include:

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- A. A statement of the duties and responsibilities of all employees of the Town.
- B. A set of personnel rules which may provide, among other things, for a method of holding competitive examinations and for the probationary period of employment, and which shall provide for hours of work, vacations, sick leaves, removals and such other rules as may be necessary to provide an adequate and systematic procedure for the administration of the personnel affairs of the Town.
- C. A standard, systematic schedule of pay for each position held by any Town employee. The foregoing statements, rules and pay schedules shall be filed with the Town Clerk and copies shall be public records.

D. The provision of these policies shall not apply to employees who report to the Board of Education.

**CHAPTER X**  
**Town Meeting**

**§ 1001 Legislative powers.**

- A. The legislative power of the Town shall be vested in the Town Meeting.
- B. Any Town Meeting shall be warned and conducted in accordance with the provisions of §§ 7-1 through 7-8 inclusive, of the General Statutes; provided, however, that the provisions of this Charter, where inconsistent with the General Statutes, shall control.

**§ 1002 The Annual Town Meeting.**

The Annual Town Meeting shall be the ~~first~~ Town Meeting called to approve the Budget held in each calendar year. (Approved 11-3-1992)

**§ 1003 Special Town Meeting.**

In addition to the provisions for Town Meetings by petition, the Board of Selectmen, by majority vote, may call a Special Town Meeting whenever it deems it necessary or appropriate.

**§ 1004 Procedure.**

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All Town Meetings shall be called to order by the Town Clerk or by a member of the Board of Selectmen. A moderator shall be elected and all business shall be conducted in a manner now or hereafter provided by the General Statutes, except as may otherwise be provided in this Charter. The Town Clerk shall serve as Clerk of all Town Meetings, but in the absence of the Town Clerk, an acting Clerk may be designated by the meeting.

All actions at a Town Meeting shall be adopted by a majority vote of the qualified voters present and voting at the meeting, unless otherwise provided by this Charter or by the Connecticut General Statutes.

#### § 1005 Adoption of the Annual Town Budget.

**A.** Adoption of the Annual Town Budget submitted by the Board of Finance shall be by vote at the Annual Town Budget Meeting held on or before the second Wednesday of May. An initial public hearing must be held by the Board of Finance at least two weeks prior to the Town Meeting to present the Annual Town Budget. The Board of Finance may modify the Annual Town Budget presented at the public hearing prior to the Town Meeting. Amendments to the Annual Town Budget, to the extent allowed by law, may be passed by the Town Meeting, and the proposed Annual Town Budget, and any amendments thereto, must be voted on at the Annual Town Budget Meeting.

If an Annual Town Budget is defeated at the Town Budget Meeting and no referendum is petitioned in accordance with § 1005B, an Annual Town Budget must be presented by the Board of Finance to a public hearing within seven days and to the voters at Town Meeting within 14 days of rejection. ~~(Approved 11-6-2001)~~

**B.** Regardless of the vote at the Annual Town Budget Meeting a petition may be presented to the Town Clerk within 10 days after the meeting requesting a referendum on the Annual Town Budget that was either approved or rejected by the annual Town Budget meeting. Said petition must be signed by at least that number of voters equal to 10% of the electors of the Town. A referendum must be scheduled within 21 days of the receipt of the petition, by the Town Clerk. Said referendum shall be scheduled by the Board of Selectmen in accordance with the notice requirements for a Town Meeting as provided for in the Connecticut General Statutes.

Once a petition has been accepted by the Town Clerk, all further budget votes on the Annual Town Budget that is the subject of the petition shall be by referendum, and no further petitions shall be required. If an Annual Town Budget is defeated at referendum, an Annual Town Budget must be presented by the Board of Finance at a public hearing within 10 days of

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the rejection at referendum, and a new referendum must be held within 10 days of the public hearing. The Board of Finance may modify the Annual Town Budget presented at the public hearing prior to the referendum. The dates for any further Annual Town Budget referenda shall be set by the Board of Finance and notice shall be given as specified above. (Approved 11-3-1992; Approved 11-6-2001)

### § 1006 Actions requiring a Town Meeting.

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

- A. Adoption of the Annual Town Budget.
- B. Any resolution making an appropriation not included in the Annual Town Budget.
- C. Any transfer of funds which will result in aggregate transfer during any fiscal year in excess of 0.25% of the total current Annual Town Budget to or from any one account. (Approved 11-3-1987, Sec. 3; Approved 11-3-1992)
- D. Any resolution authorizing the issuance of notes or other borrowing not included in the Annual Town Budget, except as noted in § 805.
- E. Any resolution authorizing the issuance of bonds in any amount.
- F. Any purchase, sale or other conveyance of real estate or any interest therein of the Town except property acquired by tax foreclosure or land donated to the Town, ~~and any purchase or other acquisition of real estate or interest therein, except for purchase~~ The Purchase or acceptance of an easement, utility easement or right-of-way for valued at \$5,000 or less shall not require Town meeting approval nor will any and except for the acquisition of any drainage or utility easements or facilities which a Town board or commission requires to be deeded to the Town as a condition of the approval of plans for development of land. ~~(Approved 11-6-2001)~~
- G. Real estate leases and any extensions or renewals thereof or lease options to which the Town is a party for terms in excess of an aggregate of five years. Real estate leases and any extensions or renewals thereof or lease options for terms of five years or less shall be negotiated and executed by the Board of Selectmen.
- H. The discontinuance or abandonment of Town roads and the acceptance of established private roads as Town roads, provided that such process is in conformance with the Connecticut

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General Statutes. This section shall not apply to except for the acceptance of roads built in accordance with plans approved by the Planning and Zoning Commission in connection with any new development of land.

I. The Town Meeting shall have the sole power to enact and repeal ordinances consistent with this Charter and the General Statutes, except as provided for in §406 of this Charter.

J. In addition to all matters requiring Town Meeting approval, the Board of Selectmen may bring before a Town Meeting, including a Special Town Meeting, for its consideration on any other matter the Board of Selectmen considers of sufficient importance to warrant Town Meeting consideration. (Approved 11-3-1992)

#### § 1007 Town Meeting by petition.

A. Upon petition filed with the Town Clerk and signed by electors of the Town of Suffield in a number not less than 2% of the registered electors of the Town as determined by the most recent official list of registered electors, petitioning for the warning and convening of a Town Meeting, said petition to be in accordance with the provisions of § 7-9 of the General Statutes and to contain the matter or text of the proposed ordinance or resolution to be considered at said Town Meeting, the Town Clerk shall within 10 days determine whether or not the petition contains the required number of valid signatures, and if it does, shall so certify to the Board of Selectmen within 10 days. Said petition may propose consideration of any matter proper to come before a Town Meeting except an ordinance or resolution:

- (1) ~~Appointing or removing~~Censuring officials,
- ~~(2) — Specifying the compensation or hours of work of officials and employees;~~
- ~~(32)~~ Adopting the Annual Town Budget,
- ~~(3)~~ Authorizing the levy of taxes, or
- ~~(5) — Fixing the tax rate.~~

Upon receipt of such certification from the Town Clerk, the Board of Selectmen shall within 30 days thereafter cause to be convened a Town Meeting, duly warned in accordance with the provisions of §§ 7-3 and 7-4 of the General Statutes, which meeting may be adjourned from time to time as the interest of the Town requires.

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At said Town Meeting the only matters that may be considered shall be those matters set forth in said petition. Said Town Meeting shall be conducted in accordance with the provisions of §§ 7-5 through 7-8, inclusive, of the General Statutes, except that a referendum may only be called in accordance with the provisions of Charter § 1005B or 1009 or as provided for in Connecticut General Statutes §7-7. (Approved 11-6-2001)

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

### § 1008 Limitations regarding appropriations.

No appropriations may be authorized by any Town Meeting unless such appropriation has been recommended by the Board of Finance, or such appropriation is requested in a petition signed by not less than 6% of the registered electors of the Town as determined by the most recent official list of registered voters. Signatures on the petition for the additional appropriation referendum must be signed and dated ~~after the action has taken place for which the referendum is sought and the required number of signatures must be completed in~~ 21 days of after annual budget meeting, such action.

### § 1009 Referendum.

A. The Board of Selectmen may present any issue to the Town for vote by referendum provided, that those issues set forth in Charter §§ 1006A through 1006I, inclusive, must first be submitted to and decided by a Town Meeting before the Selectmen may call a referendum on such issue or issues.

B. A referendum from the decision of the Annual Town Budget Meeting may only be called in accordance with the provisions of Charter § 1005B.

C. Regardless of the vote at a Town Meeting, except for the Annual Town Budget Meeting, a petition may be presented to the Town Clerk within 21 days after the Town Meeting requesting a referendum on the issue or issues which were either approved or rejected by the Town Meeting. The petition must be signed by at least that number of voters equal to 6% of the electors of the Town. Signatures on the petition for the referendum must be signed and dated

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after the action has taken place for which the referendum is sought. The Board of Selectmen must schedule the referendum for a date which is no more than twenty-one days from the receipt of a valid petition by the Town Clerk. ~~(Approved 11-6-2001)~~

#### § 1010 Adjourned Town Meeting.

Notwithstanding the provisions of §§ 1007 and 1009A of this Charter, the Board of Selectmen may present any issue to the Town for vote at referendum at an adjourned Town Meeting as provided for in Connecticut General Statutes §7-7, defined by Connecticut Statutes for a vote by ballot.

## CHAPTER XI

### Conflict of Interest and Code of Ethics

#### § 1101 Conflict of interest.

Any elected or appointed Town officer, official or employee, including any member of any Town board or commission who has a conflict of interest as set forth in the Town's Ethics code financial interest, direct or indirect, in any contract, transaction or decision of any agency, agent, officer, board or commission of the Town, to which the Town is a party, shall as soon as such financial interests shall appear to him/her disclose the nature and extent of that interest to the First Selectman or, in the case of a Board of Commission member, to that Board in the manner prescribed by the Connecticut General Statutes, in writing to the Board of Selectmen which shall record such disclosure upon the official record in the office of the Town Clerk.

Any such officer, official, employee, board member or commission member shall be disqualified from acting on any such matter coming before such department, agency, agent, officer, board or commission. Violation of the provisions of this section shall be grounds for the removal of any such officer, official, employee, board or commission member referral to the Ethics Commission. Such violation with the knowledge, expressed or implied, of any person, firm, partnership or corporation participating in such contract, transaction or decision shall render the same voidable by the Board of Selectmen.

#### § 1102 Code of Ethics.

The Town's Code of Ethics shall govern the conduct of elected and appointed officers, employees, and board and commission members of the Town.

## CHAPTER XII

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**Miscellaneous Provisions**

**§ 1201 Transfer of power.**

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

**§ 1202 Transfer of records and property.**

All ~~records~~, property, and equipment whatsoever of any commission, board or office or part thereof, all the powers and duties of which are assigned to any other commission, board or office by the Charter, shall be transferred and delivered intact forthwith to the commission, board or office to which such powers and duties are so assigned. All records of any board or commission shall be kept by the Town pursuant to standards set forth by the State Library for records retention. If part of the powers and duties of any commission, board or office are by this Charter assigned to another commission, board or office, all records, property and equipment relating exclusively, thereto shall be transferred and delivered intact forthwith to the commission, board or office to which such powers and duties are so assigned. Otherwise all such records, property and equipment shall be transferred and delivered intact for protective storage by and under the responsibility of the Town Clerk.

**§ 1203 Status of employees.**

All employees of the Town on the effective date of this Charter shall retain such position pending action by the appropriate person or agency charged by this Charter with powers of appointment or removal of said employees. Any provisions in force at the time this Charter shall take effect, and not inconsistent with this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or agency thereof

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shall continue in effect, unless and until amended or repealed in accordance with the provisions of this Charter.

~~All~~ With the exception of employees at the Board of Education, the Town Human Resources Department shall arrange for the hiring of all employees of the Town, including employees at the WPCA. With the exception of the Board of Education, no officers, commissions, boards, agencies and other entities shall have the power to engage such employees and consultants ~~as necessary without approval by the First Selectman. However, no~~ No officer, commission, board, agency or other entity shall employ part-time or full time employees in excess of the number provided for in the Annual Town Budget approved by the Board of Finance, without the prior approval of the Board of Finance and the recommendation of the Board of Selectmen. The WPCA shall only hire employees approved in their annual budget unless the Board of Finance is first consents with respect to the long term obligations of the Town.

#### § 1204 Continuation of appropriations and Town funds.

All appropriations approved and in force and all funds, including special or reserve funds in the name of the Town, at the time of the adoption of this Charter, shall remain in full force and effect, unless and until the same shall be amended, transferred or abolished by the Board of Finance under the provisions of this Charter.

#### § 1205 Legal proceedings.

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

#### § 1206 Existing laws and ordinances.

On and after the effective date of this Charter, all general ~~laws-statutes~~ of the State of Connecticut applying to the Town, all ordinances or parts of ordinances and all bylaws or parts of bylaws of the Town, and all rules and regulations of commissions, boards and agencies of the Town not inconsistent with the provisions of this Charter or repealed thereby shall be and shall

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continue to remain in full force and effect unless and until repealed or amended. All special acts or parts of special acts of the State of Connecticut relating to the Town of Suffield, except those expressly repealed by the provisions of this section, shall continue to apply in full force and effect, except as they are inconsistent with the provisions of this Charter. The following Special Acts of the State of Connecticut shall be repealed: "Special Act No. 423 (1959) An Act Concerning Minority Representation on the Board of Finance in the Town of Suffield"; "Special Act No. 528 (1949) An Act Establishing A Planning and Zoning Commission for the Town of Suffield"; and the Planning and Zoning Commission and the Zoning Board of Appeals shall be considered established under the provisions of Chapter VII of this Charter and the General Statutes of the State of Connecticut. (Approved 11-3-1992)

#### **§ 1207 Review and amendment of the Charter.**

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

#### **§ 1208 Rules of construction and saving clause.**

**A.** This Charter is intended to avail, make use of and exercise the full home rule powers of the Town under the Home Rule Law, and any other statute now in effect or hereafter enacted and any other home rule powers thereof under the Constitution of the State of Connecticut, under the common law, or otherwise.

**B.** If any section or part of any section 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 context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such ruling shall directly apply.

#### **§ 1209 Usage.**

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

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**§ 1210 References to the General Statutes, special acts and ordinances.**

All references to the General Statutes made herein are to the General Statutes of the State of Connecticut, as amended from time to time ~~revision of 1958,~~ and all references to said General Statutes, to the Special Acts or Special Laws of the State of Connecticut and to the ordinances, regulations and bylaws of the Town of Suffield are to them as they exist on the effective date of this Charter and as the same may be amended from time to time.

**§ 1211 Effective date ~~January 7, 1985.~~**

This Charter shall become effective the first Monday of January, ~~1985~~2022.

**§ 1212 Nonsubstantive changes to the Charter.**

The ~~Board of Selectman shall recommend municipal legislative body may make~~ minor and technical revisions of a non-substantive nature to the Charter to the Town Meeting for approval, or home rule ordinance provided such ~~Such~~ revisions ~~are shall be reviewed by the Town Attorney to determine if the proposed changes are deemed~~ minor, technical and nonsubstantive. If such determination is made, the Town Meeting may approve the changes by a two-thirds majority vote of the Town Meeting. ~~of such legislative body.~~

**Vacancy in Office of the First Selectman  
Charter §204**

**Proposed Board of Selectman Fill Appointment Language:**

**§ 204 Vacancies in elective offices.**

Any vacancy, from whatever cause arising in any elective Town office, including the First Selectman and excluding the Board of Education and the Board of Finance ~~and the office of the First Selectman~~, shall be filled within 30 days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. (Approved 11-3-1987, Sec. 2)

Vacancies on the Board of Education and on the Board of Finance shall be filled by the remaining members of such Board, and shall be filled by appointment for the unexpired term or until the next regular Town election, whichever event shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If there is a regular Town election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term such person to take office immediately upon election.

If a vacancy shall occur in the office of First Selectman, and no appointment is made within 30 days as provided for in this section, than the successor First Selectman shall be chosen in accordance with the provisions of the General Statutes.

**Proposed Board of Selectman Fill Appointment Language 2:**

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**§ 204 Vacancies in elective offices.**

Any vacancy, from whatever cause arising in any elective Town office, excluding the Board of Education and the Board of Finance and the office of the First Selectman, shall be filled within 30 days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. (Approved 11-3-1987, Sec. 2)

Vacancies on the Board of Education and on the Board of Finance shall be filled by the remaining members of such Board, and shall be filled by appointment for the unexpired term or until the next regular Town election, whichever event shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If there is a regular Town election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term such person to take office immediately upon election.

If a vacancy shall occur in the office of First Selectman, the successor shall be ~~chosen in accordance with the provisions of the General Statutes~~ from among the remaining Board of Selectman within 15 days without regard to a political party. If the Selectmen designate one of themselves to fill the vacancy, they shall designate another elector to fill the vacancy of Selectman so created, except that the filling of that position must maintain the same balance of majority party to minority party as existed before the previously elected First Selectman vacated the position.

If the vacancy is not filled within 15 days, the Board of Selectmen shall have an additional 15 days to appoint a candidate from outside of the Board of Selectmen, who shall be registered with the same political party as the person vacating the office. If after 30 days the vacancy remains, it shall be filled in accordance with the procedure set forth in Chapter 146 of the General Statutes.

### **Proposed Board of Selectman Language 3:**

#### **§ 204 Vacancies in elective offices.**

Any vacancy, from whatever cause arising in any elective Town office, excluding the Board of Education and the Board of Finance and the office of the First Selectman, shall be filled within 30 days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. (Approved 11-3-1987, Sec. 2)

Vacancies on the Board of Education and on the Board of Finance shall be filled by the remaining members of such Board, and shall be filled by appointment for the unexpired term or until the next regular Town election, whichever event shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If there is a regular Town election before the expiration of the term of office of any person appointed to an elective office

under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term such person to take office immediately upon election.

If a vacancy shall occur in the office of First Selectman, the successor shall be chosen ~~in accordance with the provisions of the General Statutes by the Board of Selectman, who shall be registered with the same political party as the person vacating the office, and shall be designated by the remaining Selectmen. If the Selectmen designate one of themselves to fill the vacancy, they shall designate another elector to fill the vacancy of Selectman so created, except that the filling of the now open selectmen position must maintain the same balance of majority to minority party on the board as existed before the previously elected First Selectman vacated the position. If the vacancy is not filled within 30 days, the vacancy shall be filled in accordance with the procedure set forth in Chapter 146 of the General Statutes for filling vacancies in the office of selectman.~~

#### **Proposed Town Committee Language:**

##### **§ 204 Vacancies in elective offices.**

Any vacancy, from whatever cause arising in any elective Town office, including the First Selectman and excluding the Board of Education and the Board of Finance ~~and the office of the First Selectman~~, shall be filled within 30 days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. (Approved 11-3-1987, Sec. 2)

Vacancies on the Board of Education and on the Board of Finance shall be filled by the remaining members of such Board, and shall be filled by appointment for the unexpired term or until the next regular Town election, whichever event shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If there is a regular Town election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term such person to take office immediately upon election.

~~If a vacancy shall occur in the office of First Selectman, the successor shall be chosen in accordance with the provisions of the General Statutes.~~If a vacancy shall occur in the office of First Selectman, and no appointment is made within 30 days as provided for in this section, then

the successor First Selectman shall be chosen within 30 days by a majority vote of the former First Selectman's Town Party Committee.

**Proposed Election Language:**

**§ 204 Vacancies in elective offices.**

Any vacancy, from whatever cause arising in any elective Town office, excluding the Board of Education and the Board of Finance and the office of the First Selectman, shall be filled within 30 days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. (Approved 11-3-1987, Sec. 2)

Vacancies on the Board of Education and on the Board of Finance shall be filled by the remaining members of such Board, and shall be filled by appointment for the unexpired term or until the next regular Town election, whichever event shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If there is a regular Town election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term such person to take office immediately upon election.

If a vacancy shall occur in the office of First Selectman, ~~the successor shall be chosen in accordance with the provisions of the General Statutes from~~ whatever cause arising, the position shall be filled by special election by the voters of the Town. Said special election shall be called by the Town Clerk and shall be held not less than 45 days or more than 75 days after said vacancy occurs. The person so elected shall serve for the remainder of the term. During the pendency of the election, the Member of the Board of Selectmen designated to act pursuant to §404 of the Charter shall serve as the Acting First Selectman.

If a vacancy occurs in the Office of First Selectman and there will be a regular Town election held within 75 days thereof, the Acting First Selectman shall serve until the Town election and the new First Selectman is sworn into office.

**Current:**

**§ 204 Vacancies in elective offices.**

Any vacancy, from whatever cause arising in any elective Town office, excluding the Board of Education and the Board of Finance and the office of the First Selectman, shall be filled within 30 days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. (Approved 11-3-1987, Sec. 2)

Vacancies on the Board of Education and on the Board of Finance shall be filled by the remaining members of such Board, and shall be filled by appointment for the unexpired term or until the next regular Town election, whichever event shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If there is a regular Town election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term such person to take office immediately upon election.

If a vacancy shall occur in the office of First Selectman, the successor shall be chosen in accordance with the provisions of the General Statutes.

Relevant Statute:

**Sec. 9-222. Filling of vacancy in office of first selectman or selectman. Petition for special election.** When a vacancy occurs in the office of first selectman or in the office of selectman it shall be filled within thirty days after the day of its occurrence by the remaining members of the board of selectmen. Said remaining members may appoint one of themselves to fill a vacancy in the office of first selectman, if they so desire, and shall then fill the ensuing vacancy in the office of selectman as herein provided. If such a vacancy in the office of first selectman or of selectman is not so filled within thirty days after the day of its occurrence, the town clerk shall, within ten days thereafter, notify the elective town officers enrolled in the same political party as the first selectman or selectman, as the case may be, who vacated the office, or all elective town officers, if such first selectman or selectman who vacated the office was not enrolled with a political party, and it shall be filled by such elective town officers within sixty days after its occurrence. Any person so appointed shall serve for the

portion of the term remaining unexpired or until a special election called as hereinafter provided upon petition of a number of electors of such town equal to five per cent of the names on the last-completed registry list thereof, but not fewer than fifty such electors. Such petition shall be filed no later than fifteen days after the appointment by the remaining selectmen or such elective town officers, as the case may be. Such a special election shall forthwith be called by the town clerk upon the filing of such a petition with him and shall be held in accordance with the provisions of sections 9-164, 9-450 and 9-459. The term "town officers", as used in this section, shall not include state representatives or town officers who serve on town boards whose members are not all elected at one town election for the same term.

(1957, P.A. 605, S. 3; 1963, P.A. 17, S. 89; P.A. 74-109, S. 4, 11; P.A. 75-424; P.A. 77-69; P.A. 78-153, S. 25, 32.)

History: 1963 act changed internal references from prior primary act to its restatement; P.A. 74-109 deleted "justices of the peace" from definition of "town officers as used in this section", effective upon adoption of Senate Joint Resolution No. 22 of 1973 session of the general assembly as an amendment to the constitution of Connecticut; P.A. 75-424 provided that where remaining members of board of selectmen fail to fill vacancy therein within 30 days town clerk to notify appropriate elective officials who shall fill vacancy within 60 days after its occurrence; P.A. 77-69 provided that any petition for a special election to fill vacancy be filed no later than 15 days after appointment by elective town officials; P.A. 78-153 modified the 1977 amendment to read "fifteen days after the appointment by the remaining selectmen or such elective town officers, as the case may be", effective January 1, 1979.

In case where charter provision controls and under that provision the vacancy is timely filled, a special election is not triggered under section. 328 C. 758.

Cited. 41 CS 267.

Fire Commission  
Chapter 3, I. Proposed edits:

Increase

I. The Board of Fire Commissioners shall consist of ~~six~~-seven members, each of whom is elected for a term of four years. Following the adoption of this charter the Town Meeting shall adopt Special Act 89 as an ordinance of the Town. The Town Meeting shall amend said ordinance so that it is consistent with this section. The Board of Selectman shall appoint a member to the newly created seat to serve until the 2023 election when an election can be held to fill the seventh position. At each biennial election there shall be elected members of such board in place of members whose terms expire.

Decrease

I. The Board of Fire Commissioners shall consist of ~~six~~-five members, each of whom is elected for a term of four years. Following the adoption of this charter the Town Meeting shall adopt Special Act 89 as an ordinance of the Town. The Town Meeting shall amend said ordinance so that it is consistent with this section. At each biennial election there shall be elected members of such board in place of members whose terms expire.

No Change

I. The Board of Fire Commissioners shall consist of six members, each of whom is elected for a term of four years. At each biennial election there shall be elected members of such board in place of members whose terms expire.

NOTE TOWN ATTORNEY RECCOMENDS ADDITIONAL CHANGES TO THIS SECTION

**Sec. 7-301. Establishment of fire department.** Any town may provide by ordinance for the protection of property within its limits from fire and for the establishment of a town fire department and for the management, discipline and control thereof by the board of selectmen or, if there is a town council, by the town council, or by a board of fire commissioners of such number, chosen in such manner and for such terms as the ordinance provides. The board of selectmen, town council or board of fire commissioners may make regulations for the conduct of the fire department and may appoint, discipline and remove for cause shown all employees of the department and purchase supplies and equipment necessary for its operation; provided, if the ordinance so provides, the board of selectmen, town council or board of fire commissioners shall enter into an agreement with any volunteer fire company or companies within the town for the protection thereof from fire on such conditions as to financial assistance and the observance of the regulations of the board of selectmen, town council or board of fire commissioners as such ordinance prescribes; and provided no town fire department established under the provisions of this section shall supersede any volunteer fire company which is the owner of any building, fire apparatus or other property without having first come to an agreement with such company with regard to the disposition of and compensation for such building, apparatus or other property. Such town may, at any meeting specially warned for the purpose, make appropriations and lay taxes for the support thereof; but this section shall not be operative within the limits of any city, borough or incorporated fire district which has an established fire department. Nothing in this section shall prevent any town, city, borough or incorporated fire district from appropriating funds to a volunteer fire company or companies for services rendered or to be rendered within the confines of such town, city, borough or district by such fire company or companies, provided such town, city, borough or incorporated fire district shall deem it in the public interest to do so.

(1949 Rev., S. 677; 1957, P.A. 13, S. 18; 1959, P.A. 606, S. 1.)

History: 1959 act added provision protecting town's, city's or borough's power to appropriate funds to volunteer fire companies for services.

See Sec. 29-297 re appointment of local fire marshals and deputies.

Firemen perform governmental acts and municipality is not liable for their negligence. 38 C. 368, see also 80 C. 386. Cited. 196 C. 192.

Section does not prohibit a municipal fire department established by a municipal charter from superseding volunteer fire companies because section pertains only to

fire departments established by ordinance and not ones established by municipal charters. 159 CA 708.