

*Charter*

*of the*

*Town of Westbrook*

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# Charter

*Of the*

# Town of Westbrook

## **CHAPTER ONE: INCORPORATION AND GENERAL POWERS**

**Section 1-1: INCORPORATION.** All of the inhabitants residing within the territorial limits of the Town of Westbrook, as previously constituted, shall continue to be a body politic and corporate under the name of "The Town of Westbrook," herein after called "the Town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the general laws of the State of Connecticut ("the State").

**Section 1-2: RIGHTS AND OBLIGATIONS.** All property, real and personal, all rights of action and rights of every description and all securities and liens in the Town as of the effective date of the Charter are continued. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. The Town shall continue to be liable for its debts and obligations. If any contract has been entered into by the Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of the Town, which contains provisions that the same may be enforced by any Board or Commission (including, but not limited to committees, task forces and other similar Town entities comprised of Town Electors) or Department (including, offices, agencies, divisions and other administrative arms of the Town) therein named which is hereby abolished or superseded by the creation herein of a new Board or Commission or Department to which are granted similar powers and jurisdiction, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any such Board or Commission or Department shall, except as otherwise provided in this Charter, hereafter be exercised and discharged by the chief executive officer of the Town under the supervision of the Board of Selectmen.

**Section 1-3: GENERAL GRANT OF POWERS.**

**A.** In addition to all powers granted to the Town under the Constitution of the State of Connecticut (“State Constitution”) and the Connecticut General Statutes, as may be amended from time to time (“General Statutes”) or which may hereinafter be conferred, the Town shall have (1) specifically granted by this Charter and all powers fairly implied in or incidental to the powers expressly granted by the State 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 agency thereof, the State or any agency or any political subdivision thereof for services and the use of facilities, the exercise of which is set forth by Law; (2) conferred by the Special Acts, which the Town deems to be of continued applicability; and, (3) now granted or that may hereafter be granted to municipalities under the State Constitution or the General Statutes.

**B.** The enumeration of particular powers in this and of 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. Said Town shall exercise all the rights, powers, privileges, functions and jurisdiction essential to a proper exercise of its corporate functions, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon this corporation.

**Section 1-4: EFFECT ON OTHER LAWS. CONTINUANCE OF RIGHTS AND OBLIGATIONS.**

**A.** This Charter shall be the organic law of the Town in the administration of local affairs.

**B.** **Transition.** On or before the effective date of this Charter, all Ordinances of the Town (“Town Ordinances”) and other enactments (including resolutions or other actions of the Board of Selectmen and the Town Meeting) inconsistent with this Charter shall be reviewed by the Town Meeting and shall be modified or repealed in order to comport with the provisions of the Charter. After the effective date all such Town Ordinances and enactments inconsistent with this Charter shall be of no further force or effect. Moreover, all Boards and Commissions or Departments abolished by this Charter, whether elected or appointed, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such Boards and Commissions and Departments and until the Board of Selectmen shall have notified the members of such Boards and Commissions and Departments as are abolished by this Charter that their successors have been appointed.

**C.** **Continuance of Rights and Obligations.**

(1) All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate, in said Town as of the effective date of this Charter are continued in said Town and said Town shall continue to be liable for all debts of every kind for which said Town shall be liable on said date, whether accrued or not.

(2) Nothing herein shall be construed to affect the rights of said Town to collect any assessment, charge, debt or lien.

(3) 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 a provision that the same may be enforced by any Boards and Commissions, Departments or officials therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such Boards and Commissions, Departments or officials shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the First Selectman of said Town.

(4) The powers which are conferred and the duties which are imposed upon any Board or Commission, Department or Town official under the General Statutes or Special Acts concerning the Town or any Town Ordinance or regulation in force at the time this Charter shall take effect, shall, unless otherwise provided in this Charter, thereafter be exercised and discharged by the Board or Commission, Department or official upon which are imposed such powers and duties under the provisions of this Charter.

(5) All records, property and equipment whatsoever of any Board or Commission, Department or official or part thereof, all the powers and duties of which are assigned to any other Board or Commission, Department or official by this Charter, shall be transferred and delivered intact to the Board or Commission, Department or official to which such powers and duties are so assigned.

(6) If part of the powers and duties of any Board or Commission or Department or part thereof are by this Charter assigned to another Board or Commission or Department all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the Board or Commission or Department to which such powers and duties are so assigned.

## **CHAPTER 2: ELECTIONS**

### **Section 2-1: GENERAL.**

**A.** Regular town elections shall take place on the first Tuesday after the first Monday in November of each odd numbered year.

**B.** The General Statutes applicable to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. Furthermore, the nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes

**C.** Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be a Town Elector. All such Town Electors whose names are legally registered on the list of voters shall be entitled to vote at such elections. "Elector" shall have the meaning contained in the General Statutes.

**D.** The Registrars of Voters shall prepare lists of Town Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

**E.** The maximum number of at-large members of any elected body who may be members of the same political party shall reflect the requirements of the General Statutes with respect to minority party representation.

**Section 2-2: MUNICIPAL VOTING DISTRICTS.** There shall be one voting district for the town, and the number of such districts shall not be increased or diminished, nor their boundaries altered, except as permitted by the General Statutes.

**Section 2-3: ELIGIBILITY FOR ELECTED OFFICE.** No person shall be eligible for nomination or election to any Town office who is not a Town Elector. Any person ceasing to be a Town Elector shall thereupon no longer be eligible to hold elected office in the Town.

**Section 2-4: BREAKING A TIE.** If the Town Electors fail to choose a candidate for any office by reason of an equality of votes at any election, the election shall be adjourned for such office and reconvened in accordance with the provisions of the General Statutes.

**Section 2-5: VACANCIES.**

**A.** Any vacancy occurring on any elected Board or Commission, except the Board of Selectmen, shall be filled with an appointment by the remaining members of such Board or Commission for the unexpired portion of the term of the elected office or until the next general election, whichever shall be sooner. If the Board or Commission does not make an appointment within sixty (60) days after the occurrence of such vacancy, then the vacancy shall be filled by the Board of Selectmen. In either event, the appointment shall be made consistent with the rules of minority representation set forth in this Charter, and when the person vacating the office was elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party. Notwithstanding the above provisions, if there is a general 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 then be filled by the election of a person to fill the office for the unexpired portion of the term, such person to take office on the second Tuesday following the election.

**B.** Any vacancy occurring on the Board of Selectmen from whatever cause arising shall be filled by the remaining members of the Board of Selectmen within sixty (60) days of the occurrence of the vacancy in accordance with General Statutes<sup>ii</sup>, for the unexpired portion of the term or until the next general election, whichever shall be sooner. If there is a general election before the expiration of the term of office of any person appointed to an elected office under the provisions of this section, such office shall be filled by the election of a person to fill the office for the unexpired portion of the term, such person to take office on the second Tuesday following the election.

## **CHAPTER 3: ELECTED OFFICES**

**Section 3-1: GENERAL POWERS AND DUTIES.** Except as otherwise provided in this Charter, all elected town offices and Boards or Commissions shall have all the powers, duties, privileges and functions as are or may in the future be conferred on them by the General Statutes, Special Acts, this Charter or Town Ordinances.

**Section 3-2: TERMS OF OFFICE:** The terms of office of all elected offices, Board and Commission members shall except as otherwise provided in this Charter, commence on the second Tuesday following their election, and shall not expire before the election and qualification of their successors. At each biennial municipal election there shall be elected one member for the specified term to succeed each member whose term shall expire. At each election, each political party shall have the right to nominate as many persons as there are vacancies and each Town Elector may vote for as many persons as there are vacancies. Subject to the applicable rules of minority representation as specified in this Charter, the election shall be conducted in accordance with the provisions of the General Statutes<sup>iii</sup>.

**Section 3-3: REGISTRAR OF VOTERS.** There shall be two (2) registrars of voters to be elected in the general election for state and federal officials, as established prior to the adoption of this Charter, for terms of four years as permitted by the General Statutes<sup>iv</sup>.

### **Section 3-4: BOARD OF SELECTMEN.**

**A. GENERAL.** There shall be a Board of Selectmen consisting of five (5) members, hereinafter referred to as the "Board of Selectmen." Said Board shall consist of a First Selectman and four (4) other Selectmen, hereinafter referred to as the "Selectmen," all of whom shall be elected in accordance with the provisions of General Statutes<sup>v</sup>. The First Selectman and the Selectmen shall serve with such compensation and reimbursement of expenses incurred in the performance of official duties as shall be set in accordance with Section 4-1 of this Charter. No member of the Board of Selectmen shall simultaneously hold any other elected municipal office or paid position of the Town. The term of office for the members of the Board of Selectmen shall be four (4) years beginning on the second Tuesday next following the day of the biennial municipal election at which such selectmen are elected and until their successors are elected and have qualified.

**B. ELECTION.** In accordance with the provisions of the General Statutes<sup>vi</sup>, Town Electors shall elect, on the day set forth in Section 2-1.A of this Charter, one (1) candidate for First Selectman, and for such number of candidates as are required to fill the available positions for the other remaining Selectmen.

**C. TRANSITIONAL PROVISIONS.** At the first regularly scheduled biennial municipal election following the passage of this Charter, the following transitional provisions shall become fully effective:

1. A First Selectman shall be elected for a four (4) year term;
2. Two (2) Selectmen shall be elected for four (4) year terms; and
3. Two (2) Selectmen shall be elected for two (2) year terms.

The candidates for Selectmen shall declare in advance whether they are running for a four (4) year term, or for a two (2) year term. The unsuccessful candidate for First Selectman shall be deemed to have declared in advance and been certified as a candidate for a four (4) year term on the Board of Selectmen. This declaration and certification shall be used in comparing the votes of the unsuccessful First Selectman candidate to the votes of the other candidates for a four (4) year term on the Board of Selectmen for the purpose of determining which candidates shall serve as members of the Board of Selectmen with a four (4) year term.

The determination of all of the winners of the election to hold and serve a four (4) year position on the Board of Selectmen shall be made and established, prior to making and establishing the winners of the election to hold and serve a two (2) year position on the Board of Selectmen. All such determinations shall be made subject to the rules of Minority Representation as set forth in Chapter 10 and Section 10-1 of this Charter, and in a manner consistent with the terms of the General Statutes.

Section 3-4.C of this Charter shall be interpreted in accordance with the requirements of the General Statutes.

**D.** Thereafter, an election shall take place every two (2) years for four (4) year terms to fill expired terms or otherwise available positions for the office(s) of the other Selectmen, and all of the elections referenced in this section shall be governed by the General Statutes.

**E.** Unless and until such time as the Board of Selectmen have appointed a Town Manager as established under this Charter, the First Selectman shall assume the duties of an interim Town Manager as established under this Charter. At any time during such period of time, the Board of Selectmen may, but is not required to, choose to appoint an interim Town Manager to serve instead of having the First Selectman serve in said capacity.

**Section 3-5: BOARD OF FINANCE.** At each biennial municipal election there shall be elected a Board of Finance consisting of six (6) members with six (6) year overlapping terms. Said Board shall exist as provided by, and subject to the limitations and conditions of, the General Statutes, Special Acts, this Charter and the Town Ordinances.

**Section 3-6: TREASURER.** At each biennial municipal election subsequent to the adoption of this Charter, there shall be elected a Treasurer for a term of two (2) years. Duties of the Treasurer shall be as provided in the General Statutes, unless otherwise modified by the provisions of this Charter<sup>vii</sup>.

**Section 3-7: TOWN CLERK.** In accordance with effective commencement of the current term of office established prior to the adoption of this Charter, at each applicable biennial municipal election subsequent to the adoption of this Charter, there shall be elected a Town Clerk for a term of four (4) years. Duties of the Town Clerk shall be as provided in the General Statutes.

**Section 3-8: TAX COLLECTOR.** At each biennial municipal election subsequent to the adoption of this Charter, there shall be elected a Tax Collector for a term of two (2) years. Duties of the Tax Collector shall be as provided in the General Statutes.

**Section 3-9: ELECTED BOARDS AND COMMISSIONS.** Except as otherwise specifically provided by this Charter, the Town of Westbrook shall have such other elected Boards and Commissions as now exist and as are provided by the General Statutes, Special Acts or as provided by any Town Ordinance. All such elected Boards and Commissions shall be elected in the manner provided by General Statutes or by Special Act or by this Charter or as provided by Town Ordinances, and shall continue to have such powers, duties, privileges and functions as are or may in the future be conferred on them by the General Statutes, Special Acts, this Charter and Town Ordinances. These shall include, but not be limited to, a Board of Education, a Board of Assessment Appeals, a Zoning Board of Appeals, a Planning Commission, a Zoning Commission, and a Library Board of Directors.

## **CHAPTER 4: THE BOARD OF SELECTMEN**

**Section 4-1: THE BOARD OF SELECTMEN.** There shall be a Board of Selectmen as provided in Section 3-4 of this Charter. The First Selectmen and the other members of the Board of Selectmen shall be compensated in such manner and amount as may be determined at the Annual Budget Meeting.

**Section 4-2: THE FIRST SELECTMAN.** The First Selectman shall be Chairman of the Board of Selectmen and shall preside over all meetings of the Board of Selectmen. Moreover, the First Selectman shall be an ex-officio member, without vote, of all other Town Boards and Commissions and shall be the official head of the town for all ceremonial and military purposes and for the purpose of receiving civil process, and in the absence of the Town Manager shall exercise the authority and perform all the duties of the Town Manager in the circumstances set forth in Section 7-4.E of this Charter. During the absence or disability of the First Selectman, the duties of the position shall be performed by another member of the Board of Selectmen chosen by the members of such board, except as otherwise specifically provided in this Charter. Notwithstanding the provisions of the General Statutes pertaining to the duties of Town Treasurers, the First Selectman and the Treasurer shall countersign checks. In the absence of the First Selectman, the Board of Selectmen shall select another member of the Board during such absence. In the absence of the Treasurer, the Town Manager may countersign checks.

### **Section 4-3: GENERAL POWERS AND DUTIES.**

**A.** The Board of Selectmen shall have the powers and duties conferred by the State Constitution and General Statutes pertaining to boards of selectmen, and shall have such additional powers as shall enable them to exercise such powers, except as the same may be assigned by the General Statutes or this Charter to some other officer, Board or Commission, Department or to the Town Meeting.

**B.** Moreover, the Board of Selectmen shall have power, subject to the provisions of the General Statutes and this Charter, to (1) recommend to the Town Meeting the creation or repeal of Departments and the allocation of the personnel necessary to effectuate the operation of such Department(s); (2) adopt policies for the operation of Town Departments and personnel; and, (3) fix the compensation of officers and employees of the Town, except the employees of the Board of Education, and the charges, if any, to be made for services rendered by the Town. It shall further have power to make, alter and repeal policies not inconsistent with this Charter, the General Statutes and Town Ordinances, for the government of the Town and the management of its business and for the preservation of good order, peace, health, safety and the general welfare of the Town and its inhabitants.

**C.** All votes shall be recorded as prescribed by the General Statutes. The Board of Selectmen shall keep for public inspection a journal of all its proceedings, including all roll call votes, which shall be the official record of its proceedings. The journal shall be maintained by the Town Clerk and shall be authenticated for each meeting by the signature of the First Selectman or other presiding officer, and the Town Clerk.

**Section 4-4: PROCEDURE.** The Board of Selectmen shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall determine its own rules of procedure. Unless and/or until such time as such rules are established by a majority vote of its members

eligible to vote, the Board of Selectmen shall follow Robert's Rules of Order. The presence of three (3) members shall constitute a quorum. All meetings of the Board of Selectmen for the transaction of business shall be open to the public in accordance with the provisions of the General Statutes<sup>viii</sup>.

**Section 4-5: PUBLIC HEARING ON PROPOSED TOWN ORDINANCES.** Before any ordinance shall be passed, the Board of Selectmen shall hold at least one public hearing, ten (10) days notice of which shall be published in a newspaper having a general circulation in the Town, or by utilizing such other methods as are approved by applicable state statutes, as they are amended from time to time, and posted in a public place or places as the Board of Selectmen shall prescribe. The passage of such ordinance, at a duly noticed Town Meeting, shall be published in a newspaper having a general circulation in the Town, or by utilizing such other methods as are approved by the General Statutes (including, but not limited to publication through electronic media), and shall not become effective until twenty (20) days after such publication; provided, an ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after publication and no public hearing or notice of public hearing shall be required for any public emergency ordinance. Every public emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first (61<sup>st</sup>) day following final passage of such ordinance. All Town Ordinances shall be filed with the Town Clerk and recorded, compiled and published by the Town Clerk as required by the General Statutes.

**Section 4-6: ADDITIONAL POWERS.**

**A.** The Board of Selectmen may employ, and may remove, such staff with such powers, duties, and responsibilities as it may deem desirable to carry out the duties and responsibilities of the Board of Selectmen. In doing so, the Board shall act consistently with respect to collective bargaining agreements, employment terms and conditions, and budgetary approvals.

**B.** The Board of Selectmen may, by resolution, establish such advisory or study committees as the Board finds helpful or desirable in the discharge of its duties.

**Section 4-7: SUB-COMMITTEES.** The Board of Selectmen may establish sub-committees of its Board for various specified and identified purposes as it deems appropriate from time to time. The Board shall direct the nature and scope of operation of all such sub-committees, but all authority to take any appropriate action must be taken by the Board of Selectmen as a whole, and not by an individual sub-committee.

## **CHAPTER 5: TOWN MEETING**

**Section 5-1: THE TOWN MEETING.** The legislative body of the Town shall be the Town Meeting with all the powers conferred by the General Statutes and by the Charter.

**Section 5-2: ELIGIBILITY TO VOTE AT THE TOWN MEETING.** Persons eligible to vote at a Town Meeting shall be determined in accordance with the provisions of the General Statutes<sup>ix</sup>.

**Section 5-3: THE ANNUAL TOWN MEETING.** The Annual Town Meeting shall be held on the second Tuesday in March each year, unless changed by a vote of a Town Meeting. The Annual Town Report shall be presented for discussion at this meeting. The Town Manager shall prepare said Report in a timely manner to permit final action by the Board of Selectman prior to dissemination to the Annual Town Meeting. The Chair of each Board and Commission shall assign at least one of its members to be present at this meeting, ready to discuss that Board or Commission's activities and concerns.

### **Section 5-4: ANNUAL BUDGET AND SPECIAL TOWN MEETINGS.**

**A.** The Annual Budget Meeting shall be a Town Meeting for the consideration of the annual budget and shall be held on the second Tuesday in May of each year. Adoption of the annual budget shall be by majority vote of those present and qualified to vote. The procedure to be followed in preparing and submitting the budget for the Annual Meeting shall be as prescribed by Section 9-6 of this Charter.

**B.** Special Town Meetings may be called from time to time by the Board of Selectmen and as required by Section 4-5 of this Charter, and as otherwise required by the General Statutes<sup>x</sup>.

**Section 5-5: LEGAL NOTICE.** Legal notice of all Town Meetings shall be advertised in a newspaper having a general circulation in the Town, or by utilizing such other methods as are approved by applicable state statutes, as they are amended from time to time, and a copy of this notice shall be posted on the exterior bulletin board at the Town Office Building, and at the office of the Town Clerk, at least five days prior to the date of the meeting. It shall be typewritten or printed and must contain place, date and hour of the meeting and list all articles to be acted upon. Before or on the date of the meeting, the Selectmen shall cause a copy of the notice, along with the Return of Notice, to be filed with the Town Clerk, and the Town Clerk shall cause such copy and Return to be recorded in the Town Meeting Record Book.

### **Section 5-6: ORGANIZATION AND PROCEDURE.**

**A.** The First Selectman or his representative shall call the Town Meeting to order and the first action of the Town Meeting shall be to choose a moderator to accept the call of the meeting. All business shall be conducted as set forth in the provisions of the General Statutes pertaining to "Town and Other Community Meetings"<sup>xi</sup>.

**B.** The Town Clerk or Assistant Clerk shall serve as clerk of the Town Meeting. In their absence, a clerk shall be chosen by an action of the Town Meeting. Action of all Town Meetings shall

be by a majority vote of those present and qualified to vote as set forth in the provisions of the General Statutes pertaining to “Town and Other Community Meetings”<sup>xii</sup>.

**C.** The regular written minutes of the Town Meeting shall be taken by the clerk and recorded in the Town Meeting Record Book, and as otherwise provided by General Statutes.

**Section 5-7: TOWN ORDINANCES – GENERAL POWERS AND PROVISIONS**

**A.** The Town Meeting shall have the sole power to enact or repeal Town Ordinances.

(1) “Ordinances” or “Town Ordinances” shall mean the powers of the Town to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

**B.** Every act creating, altering or abolishing any Department or Board or Commission or authorizing the borrowing of money to be secured by bonds or notes of the Town, except as provided in Section 9-14 of this Charter, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

**C.** Every Town Ordinance, except the annual budget ordinance, a bond ordinance and an ordinance making a general codification of Town Ordinances, shall be confined to a single subject that shall be clearly expressed in its title. All Town Ordinances which shall amend or repeal existing Town Ordinances shall set forth in full the section or subsection to be amended or repealed and, if it is to be amended shall indicate matter to be omitted from the revised section or subsection by enclosing the same in brackets or striking through said text and new matter by underscoring. When published prior to enactment in a newspaper or otherwise, the same indications of omitted and new matter shall be used, except that italics may be substituted for underscoring. The enacting clauses of all Town Ordinances shall be: “Be it ordained by the Town Meeting of the Town of Westbrook.”

**D.** The Board of Selectmen may initiate an ordinance enactment or repeal by filing the complete text of such proposed ordinance with the Town Clerk.

**E.** An ordinance enactment or repeal may be initiated by a petition of at least fifty persons entitled to vote at a Town Meeting. Such petition shall conform to the requirements of the General Statutes<sup>xiii</sup> and shall contain the personal signatures, printed names and addresses of said persons, and shall contain the intent of such proposed ordinance, and shall be filed with the Town Clerk. If the petition complies with this subsection, the Town Clerk shall notify the Board of Selectmen of such proposed ordinance within two (2) business days after the receipt of such petition.

**F.** The Board of Selectmen shall hold a public hearing on the proposed ordinance with thirty (30) days after the Selectmen’s proposal was filed with the Town Clerk or within thirty (30) days after the petition was received from the Town Clerk. The Board of Selectmen shall give seven (7) days notice of the hearing by publication of the proposed ordinance in a newspaper having a general

circulation in the Town, or by utilizing such other methods as are approved by applicable provisions of the General Statutes.

**G.** With fifteen (15) days after the hearing, there shall be a Special Town Meeting at which the proposed ordinance will be considered. The Selectmen shall call said meeting pursuant to Section 5-4.B of this Charter. The call shall state the proposed ordinance in full and shall provide for a “yes” or “no” vote. Within ten (10) days of its passage, such ordinance shall be published in a newspaper having a general circulation in the Town, or by utilizing such other methods as are approved by applicable state statutes, as they are amended from time to time. Unless otherwise provided in the ordinance, such ordinance shall become effective twenty (20) days after the publication thereof.

**H.** Any such ordinance proposed by petition shall be submitted for review to the Town Attorney before publication. The Town Attorney may make any necessary corrections to insure accuracy, but may not make any changes in the meaning or intent of the ordinance.

### **Section 5-8: RESOLUTIONS.**

**A.** The Board of Selectmen may call a Special Town Meeting, at any time, subject to the notice requirements of the General Statutes, pertaining to the adoption of any resolutions necessary for the discharge of the duties of said Town Meeting.

(1) “Resolution” means an action by the Town Meeting or the Board of Selectmen that (a) expresses the sentiment or intent of the body; (b) governs the business of the body; (c) expresses recognition by the body; or, (d) complies with the specific requirements of the General Statutes with regard to certain legislative enactments.

**B.** No less than fifty (50) persons entitled to vote at a Town Meeting may petition over their personal signatures for the enactment of any proposed lawful resolution by filing such petition, including the complete text of such proposed resolution and the printed names and addresses of said person, with the Town Clerk. Said petition shall also conform to the applicable provisions of the General Statutes<sup>xiv</sup>. If the petition complies with the foregoing, then the Town Clerk shall notify the Board of Selectmen of such proposed resolution within two business days after the receipt of such petition. If the subject of the resolution is a proper one for action at a Town Meeting, the Board of Selectmen shall call a Special Town Meeting to be held within thirty days after the receipt of such petition from the Town Clerk. Said call shall be made pursuant to Section 3-4.B of this Charter and shall state the proposed resolution in full. The Board of Selectmen may add other matters to the call of the meeting, but the resolution shall come first in the meeting. Said resolution shall become effective at passage unless the resolution provides otherwise.

**C.** Any such resolution proposed by petition shall be submitted for review to the Town Attorney pursuant to Section 5-7.H of this Charter. The Town Attorney may make any necessary corrections to insure accuracy, but may not make any changes in the meaning or intent of the ordinance.

**D.** Notwithstanding the foregoing, the Board of Selectmen may enact such resolutions as may be necessary to carry out its duties and responsibilities under this Charter and in accordance with law.

**Section 5-9: SALE OR PURCHASE OF REAL ESTATE BY THE TOWN.**

The acceptance and discontinuance of roads by the Town, the sale or other disposition of real estate of the Town used or reserved for Town purposes and the purchase or other acquisition of real estate for such purpose shall require approval of Town Meeting. The sale of real estate not used or reserved for Town purposes shall be in accordance with an ordinance adopted by Town Meeting, or in the absence of such an ordinance, specific approval at a Town Meeting shall be required.

## **CHAPTER 6: APPOINTED OFFICERS**

### **Section 6-1: GENERAL.**

**A.** **Town Officers Appointed by the Board of Selectmen.** Upon the adoption of a resolution by majority vote the Board of Selectmen, present and voting, shall appoint the following town officers: a Town Manager, who shall be directly accountable to the Board of Selectmen. The Board of Selectmen shall also appoint a Town Counsel; an Assessor; and, a Finance Director. The Town Manager shall have supervisory authority over these positions.

**B.** **Other Town Offices Appointed by the Board of Selectmen.** Upon the adoption of a resolution by majority vote the Board of Selectmen, present and voting, shall appoint such other town offices as it may determine are necessary or appropriate for the general welfare of the town and not otherwise specifically provided for in this Charter. The Town Manager shall have supervisory authority over any offices that may fall within this provision.

**C.** **Other Officers and Departments.** Except as otherwise specifically provided by this Charter, the Town shall have such other Town officers and Departments as now exist and as are provided by the General Statutes, Special Acts or as provided by any Town Ordinance. All such officers and Departments shall be appointed in the manner provided by General Statutes or by Special Act or by this Charter or as provided by Town Ordinances, and shall continue to have such powers, duties, privileges and functions as are or may in the future be conferred on them by the General Statutes, Special Acts, this Charter or Town Ordinances.

### **Section 6-2: TERMS OF OFFICE**

**A.** All officers appointed by the Board of Selectmen, except the Town Manager and the Finance Director shall take office on the second Monday of January, following the biennial town election and shall serve such terms as are hereinafter set forth and until their respective successors shall have been appointed and shall have qualified. It is the intention of this section to permit the Board of Selectmen to provide that the terms of appointed officers other than the Town Manager and the Finance Director shall uniformly begin and expire at noon on the second Monday in January in the even numbered years. The Town Manager and the Finance Director shall serve at the pleasure of the board. Members of any Board or Commission appointed by the Board of Selectmen shall serve such terms as are established by the law that created such Board or Commission.

**B.** The terms of office, qualifications and method of appointment of all appointed officials and employees shall be as provided under the applicable provisions of the General Statutes, this Charter or Town Ordinance.

### **Section 6-3: GENERAL POWERS AND DUTIES**

All appointed officials and Boards and Commissions shall have all of the powers and duties prescribed by the General Statutes, this Charter, or Town Ordinance.

### **Section 6-4: VACANCIES IN APPOINTED TOWN OFFICE**

**A.** Any vacancy in any appointed town office, from whatever cause arising, shall be filled by the Board of Selectmen.

**B.** Vacancies in other appointed offices shall be filled by the appointing authority within sixty (60) days from the time such vacancy is made known to such authority.

**Section 6-5: COMBINED FUNCTIONS AND POSITIONS**

Except as otherwise provided by the General Statutes, upon the adoption of a resolution by majority vote the Board of Selectmen, present and voting, may recommend to the Town Meeting the merger or consolidation of functions and positions in filling any appointed positions.

**Section 6-6: TOWN COUNSEL AND ADDITIONAL COUNSEL.**

**A. Appointment and Duties of Town Counsel.** The Board of Selectmen shall, by resolution at a meeting to be held not later than thirty (30) days after the first meeting of the Board of Selectmen after its election, appoint a Town Counsel. The Town Counsel shall be an Attorney at Law (or Law Firm) admitted to practice law in the State of Connecticut. Town Counsel shall: (1) appear for and protect the rights of the Town in all actions, suits, proceedings or appeals brought by or against it or any of its officers, Departments and Boards and Commissions, or members thereof in relation to their official duties; (2) be the legal advisor to all Town officers or Department officials in all matters affecting the town and shall upon written request furnish them with a written opinion on any question of law involving their respective powers and duties; and (3) upon request of the Board of Selectmen, prepare or approve forms, contracts or other instruments to which the Town is a party or in which it has interest.

**B. Additional Counsel for Boards and Commissions and Departments.** Notwithstanding the provisions of the Section 6-6.A and in the event there is either a conflict preventing the Town Counsel from providing such representation or in the judgment of the Town Counsel alternate representation is necessary, Boards and Commissions as well as elected and appointed officials of the Town may, subject to budget approval, have and retain other legal counsel of their choice with respect to their particular activities; subject to the final review and approval of the Town Counsel.

**Section 6-7: ASSESSOR.** After establishing and receiving the recommendations of a search committee, upon the adoption of a resolution by majority vote the Board of Selectmen, present and voting, shall appoint an Assessor. The Assessor shall perform all duties prescribed for assessors in the General Statutes, together with such other powers and duties as may be prescribed by this Charter, the Town Ordinances and such other duties as the Board of Selectmen may prescribe, not inconsistent with the foregoing<sup>xv</sup>.

**Section 6-8: FINANCE DIRECTOR.** The Finance Director shall, under this Charter and Town Ordinances, be subject to the direction of the Board of Selectmen and shall report to the Town Manager on all matters concerning the financial affairs of the Town. The director shall be responsible for the efficiency, discipline and good conduct of the Finance Department and have direct supervision of the members of the Finance Department. The Finance Director shall have a fiduciary responsibility to the Town and shall, at all times, be required to accurately report information to the Town Meeting, the Board of Selectmen and the Town Manager. Moreover, the Finance Director shall keep, or cause to be

kept, complete books of accounts, showing the financial condition and financial transactions of the Town, except for the Board of Education, including accounts of all funds and appropriations and such other accounts and records not specifically required by law to be kept by other officers, as may be prescribed by the Board of Selectmen

**Section 6-9: TOWN MANAGER.** The duties of the Town Manager are set forth in Chapter 7 of this Charter.

**Section 6-10: TOWN ENGINEER.** The Board of Selectmen may, subject to budget approval, obtain the services of a qualified civil engineer. The Engineer shall advise the Board of Selectmen on all engineering projects affecting the Town. Upon request, the engineer shall prepare or approve proposed ordinances pertaining to the duties of said Town Engineer. The engineer may supervise such Town projects and advise such other Town Agencies as is authorized and directed by the Board of Selectmen.

**Section 6-11: OTHER APPOINTED OFFICIALS AND EMPLOYEES.**

Subject to the provisions of such collective bargaining contracts as may be entered into by the Town, the Board of Selectmen shall appoint, and may remove at will, an Emergency Management Coordinator, a Deputy Emergency Management Coordinator, a Director of Health, a Building Official, a Town Planner, a Town Sanitarian, Constables, Marine Patrol, Animal Control Officer, Assistant Animal Control Officer, Municipal Agent for the Elderly, Open Burning Official, the Tree Warden, Zoning Citation Officer and such other officials as are permitted by law. These officials shall have the powers, duties and responsibilities with respect to their particular office as may be set forth under the General Statutes as well as such other duties as the Board of Selectmen shall prescribe not inconsistent with the foregoing.

## **CHAPTER 7 - TOWN MANAGER**

### **Section 7-1: APPOINTMENTS, QUALIFICATIONS AND REMOVAL.**

**A.** The Board of Selectmen shall appoint a Town Manager, who shall serve at the pleasure of the Board of Selectmen, and said board shall fix the Town Manager's compensation. The process for the selection of a Town Manager shall take into account the candidate's character, education, and experience, as well as the candidate's executive and administrative qualifications such as membership in professional organizations which certify the abilities of prospective candidates.

**B.** The Board of Selectmen shall have the power, by resolution adopted by a majority vote of its entire membership, in its sole discretion, with or without cause, to remove or suspend the Town Manager.

### **Section 7-2: RESPONSIBILITY AND AUTHORITY.**

**A.** The Town Manager shall be the chief executive officer of the Town. Except as otherwise provided in this Charter, the Town Manager shall supervise, direct, and be responsible to the Board of Selectmen for, overseeing the administration of finance, public works, welfare, health, public safety, tax assessment and such other offices and Departments as the Board of Selectmen may direct.

**B.** In lieu of any appointment it is to make, the Board of Selectmen may require the Town Manager to perform the duties of any subordinate office, provided the same is not inconsistent with the General Statutes or this Charter.

**C.** With the assistance of the Finance Director, the Town Manager shall be the purchasing agent of the town subject to the provisions of the applicable Town Ordinance and such policies as may be prescribed by the Board of Selectmen. The Town Meeting shall adopt an ordinance setting the purchasing procedures for the Town.

### **Section 7-3: DUTIES OF TOWN MANAGER.**

**A.** The Town Manager shall have such powers and duties prescribed by the General Statutes for the chief executive officer of a municipality and such other powers and duties as this Charter shall provide or the Board of Selectmen shall authorize.

**B.** Without limiting the foregoing, the Town Manager shall have the following duties:

- (1) Ensure that all laws and Town Ordinances of the Town are faithfully executed.
- (2) Make periodic reports to the Board of Selectmen and attend the meetings thereof with full right of participation in its discussions, but without the right to vote.
- (3) Supervise and direct the activities of those individuals and organizations under the jurisdiction of the Town Manager pursuant to Section 7-2(A) of this Charter.
- (4) Keep full and complete records of the activities of the Town Manager's office.

- (5) Supervise and direct the Finance Director whose advice and assistance the Town Manager shall seek with regard to financial matters affecting the Town, and to whom the Town Manager may delegate authority with regard to specific financial matters, subject to the approval of the Board of Selectmen.
- (6) Prepare and cause to be printed, as soon as possible after the close of the fiscal year, an Annual Town Report following approval by the Board of Selectmen.
- (7) Purchase, or cause to be purchased, subject to such procedures as shall be approved by the Board of Selectmen, all services, supplies, materials, equipment and other commodities required by any Department, except for the Board of Education.
- (8) Provide assistance to the Board of Selectmen, as directed, and the Town Meeting in the preparation of an annual budget and capital improvement program.
- (9) Administer departmental procedures, rules and regulations as may be required by this Charter.
- (10) Recommend the appointment or hiring and the removal or discipline of personnel in accordance with the Town Personnel Policy, as may be adopted by the Board of Selectmen.
- (11) Temporarily perform the duties of any appointed office provided the same is not inconsistent with law, and is done with the approval of the Board of Selectmen.
- (12) Prepare and keep current the personnel policy, subject to the approval of the Board of Selectmen.
- (13) Fully advise the Board of Selectmen as to the financial condition of the Town, as well as the anticipated future financial needs of the Town.
- (14) At the time of an emergency or disaster, expend the necessary funds to assure the smooth operation of Town business and the health, safety and well-being of the Town and its residents, consistent with the law and this Charter, and as authorized by the Board of Selectmen pursuant to Section 9-15 of this Charter.
- (15) Recommend to the Board of Selectmen such actions as the Town Manager shall deem necessary or expedient concerning the affairs of the Town.
- (16) Assist the Board of Selectmen to develop long-term goals for the Town along with appropriate strategies to implement such goals.
- (17) Encourage and provide staff support for regional and intergovernmental cooperation in accordance with the direction of the Board of Selectmen or the Town Meeting.

(18) Promote cooperation among the Board of Selectmen, other Boards and Commissions, staff and citizens in developing public policy and building a sense of community.

(19) Exercise such powers and perform such other duties as may be required by Town Ordinance or a resolution of the Board of Selectmen not inconsistent with the law or this Charter.

**Section 7-4: ACTING TOWN MANAGER.**

**A.** The Board of Selectmen, taking into consideration the recommendation of the Town Manager, if reasonably possible, shall appoint a qualified Town administrative official as Acting Town Manager to exercise the duties of the Town Manager during the temporary absence or disability of the Town Manager.

**B.** If the Board of Selectmen fails to make such an appointment, the Town Manager shall appoint an Acting Town Manager to act until such time as the Board of Selectmen so acts.

**C.** In the event that the Acting Town Manager does not exercise the duties of the Town Manager because of the temporary absence or disability, the Board of Selectmen may appoint a qualified Town administrative official as Acting Town Manager for the duration of such temporary absence or disability.

**D.** In the event that any Acting Town Manager does not so exercise the duties of the Town Manager in a manner satisfactory to the Board of Selectmen, the Board of Selectmen may terminate said appointment and appoint a qualified town administrative official as Acting Town Manager.

**E.** In the event that the position of Acting Town Manager pursuant to the above provisions is vacant, then the First Selectman shall temporarily assume and perform the duties of the Town Manager pursuant to Section 4-2 of this Charter.

**Section 7-5: RECOMMENDATIONS FOR BOARD OF SELECTMEN APPOINTMENTS.**

From time to time, the Town Manager shall provide the Board of Selectmen with appropriate recommendations concerning the appointment of qualified individuals to various appointed positions, other than the Town Manager position, with respect to the operations of the town government. The Board of Selectmen shall consider these recommendations to the extent reasonably possible, and shall give such weight to them as the Board of Selectmen deems appropriate under the circumstances. Notwithstanding the foregoing, the Board of Selectmen, in their sole discretion, may make appointments (as required by this Charter, the General Statutes or Town Ordinances) whether or not recommendations are provided by the Town Manager.

## **CHAPTER 8: APPOINTED BOARDS AND COMMISSIONS**

**Section 8-1: BOARDS AND COMMISSIONS.** Except as otherwise specifically provided by this Charter, the Town shall have such Boards and Commissions as now exist and as are provided by the General Statutes, Special Acts or as provided by any Town Ordinance. All such Boards and Commissions shall be appointed in the manner provided by the General Statutes or by Special Act or by this Charter or as provided by Town Ordinances, and shall continue to have such powers, duties, privileges and functions as are or may in the future be conferred on them by the General Statutes, Special Acts, this Charter or the Town Ordinances.

**Section 8-2: BOARD OF SELECTMEN APPOINTMENTS.** In order to qualify for appointment under Section 6-1.B of this Charter, members of appointed Boards and Commissions shall be Town Electors; accordingly such position shall be deemed to be vacated upon ceasing to be a Town Elector. It shall be the responsibility of each member of an appointed Board and Commission to promptly provide written notification to the Town Clerk, upon ceasing to be a Town Elector.

**Section 8-3: COMPENSATION.** All members of appointed Boards and Commissions shall serve without compensation, except for reimbursement of expenses, as authorized by the Board of Selectmen after making provisions for proper appropriation.

### **Section 8-4: TERMS OF OFFICE**

**A.** The terms of office of all members of appointed Boards and Commissions shall be as specified in the General Statutes, Special Acts, this Charter, Town Ordinance or Resolution (if said resolution is required by the General Statutes) authorizing or establishing any such Board or Commission. They shall be sworn before each of their respective terms, and each officer administering the oath shall record such fact in the Office of the Town Clerk. Unless otherwise provided by law, the terms of office of members of such appointed Boards and Commissions shall continue until their successors have been appointed and qualified.

**B.** A member of any appointed Board or Commission may resign from office by notifying the Town Clerk in writing. The office shall be deemed vacant on the effective date indicated in such letter of resignation, except that any such office shall be deemed to be vacant as of the date the member ceases to be a Town Elector.

**C.** Any vacancy occurring on any appointed Board or Commission shall be filled with an appointment by the Board of Selectmen for the unexpired portion of the term of the appointed office. If the Board of Selectmen does not make an appointment within sixty (60) days after the occurrence of such vacancy, then the vacancy shall be filled by the Board or Commission within which such vacancy has occurred. In either event, the appointment shall be made consistent with the rules of minority representation set forth in this Charter, and when the person vacating the office was appointed as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.

**Section 8-5: GENERAL POWERS AND DUTIES.** Except as otherwise provided in this Charter, all appointed Boards and Commissions shall have all the powers and duties prescribed either by the General

Statutes, or by Town Ordinance, special act or Resolution (if said resolution is required by the General Statutes) authorizing or establishing, or otherwise applicable to, said Board or Commission.

**Section 8-6: OTHER BOARDS AND COMMISSIONS.** Except as otherwise specifically provided by this Charter, the Town shall have such other Boards and Commissions as now exist and as are provided by the General Statutes, Special Acts, Town Ordinance or Resolution. All such Boards and Commissions, shall be elected or appointed in the manner provided by the General Statutes, Special Act, this Charter or Town Ordinance, and shall continue to have such powers, duties, privileges and functions as are or may in the future be conferred on them by the General Statutes, Special Acts, this Charter, Town Ordinances or Resolution (if said resolution is required by the General Statutes). These shall include, but not be limited to, the following:

- A.** Inlands, Wetlands and Watercourses Commission;
- B.** Fair Rent Commission;
- C.** Housing Authority;
- D.** Retirement Board;
- E.** Forest Commission;
- F.** Shell Fish Commission;
- G.** Conservation Commission;
- H.** Economic Development Commission;
- I.** Fire Commission;
- J.** Harbor Management Commission;
- K.** Police Advisory Traffic Authority;
- L.** Senior Management Commission;
- M.** Water Pollution Control Commission;
- N.** Town Center Revitalization Committee;
- O.** Public Health Nursing Board; and
- P.** Board of Recreation.

**Section 8-7: ADDITIONAL BOARD AND COMMISSIONS.**

On the recommendation of the Board of Selectmen, the Town Meeting may, by Town Ordinance or Resolution, create additional appointed Boards and Commissions and specify their powers and duties. The Town Meeting may, by Town Ordinance, abolish or consolidate appointed Boards and Commissions and may likewise alter their powers and duties and change the numbers and terms of their members, unless otherwise specified by the General Statutes or this Charter.

**Section 8-8: EXISTING BOARDS AND COMMISSIONS CREATED BY ORDINANCE RESOLUTION.** Except as otherwise stated in this Charter, any Board or Commission created by Town Meeting Resolution or Town Ordinance shall continue in existence in accordance with the provisions of the Resolution or Town Ordinance establishing and authorizing said Boards or Commissions.

## **Section 8-9: ETHICS COMMISSION**

**A.** There shall be an Ethics Commission consisting of six (6) members, each of whom shall be appointed by a two thirds (2/3) vote of the Board of Selectmen, present and voting. Each appointment shall be effective upon ratification by the Town Meeting. Members of the Commission shall serve for a term of four years. No more than three members shall be members of the same political party. All members shall be Town Electors. No member of such Commission shall be employed by the Town or its Board of Education nor shall any member hold or be a candidate for any other municipal office in the Town. A vacancy shall exist when a member ceases to be a Town Elector or accepts employment by the Town or its Board of Education or accepts another municipal office in the Town or becomes a candidate for any municipal office. For the purpose of this section, a "candidate" shall be any person who declares himself as such or is a candidate as defined under the election laws of the State.

**B.** The Commission shall have the powers and duties to:

(1) Establish and amend from time to time, a Code of Ethics provided such Code of Ethics or amendments thereto shall become effective only upon ratification by the Town Meeting;

(2) Establish rules and regulations regarding promulgation of the Code of Ethics to all town officials and employees affected thereby;

(3) Adopt a procedure for the initiation and handling of complaints, including a procedure by which citizens may file complaints;

(4) Establish regulations and procedures whereby town officials and employees, including, but not limited to, Board of Education officials and employees, may request and receive advisory opinions from the commission as to whether certain conduct by such officials or employees complies with the Code of Ethics;

**C.** The commission shall have all the powers and protections afforded to a municipal ethics commission, including but not limited to the power to issue subpoenas, by the General Statutes<sup>xvi</sup>.

**D.** The commission shall accord all parties the level of confidentiality permitted by the General Statutes<sup>xvii</sup>.

**E.** In the event that the Commission finds that there has been a violation of the Code of Ethics, which finding would require the affirmative vote of no less than 4 members of the commission

(1) The Commission may make recommendations as to actions it deems appropriate to whoever has the power to hire and fire such employee or official; or, in the case of an appointed official who is not an employee of the Town, the Commission may make such recommendations to the appointing body; or in the case of an elected official, the Commission may make such recommendations to the Board of Selectmen. The Commission shall not have the power to fire, suspend, fine or punish any Town official or employee, including, but not limited to, any Board of Education official or employee; and

(2) The Commission may also report its findings and recommendations to any other authority the Commission deems appropriate for any action deemed necessary.

**Section 8-10: TOWN ADMINISTRATION.**

**A.** The administrative organization of the Town Departments, and their activities, including their functions and responsibilities, shall be adopted, revised or amended by the Board of Selectmen, after consultation with Town Manager.

**B.** Upon the recommendation of the Town Manager, the head of each Department of the Town shall, with the approval of the Board of Selectmen, make such rules and regulations for the operation of same as may be reasonable and desirable.

**Section 8-11: PERSONNEL POLICY.** The existing Town of Westbrook Personnel Policy shall be reviewed, revised and updated from time to time as prescribed by the General Statutes and the Town Ordinances.

## **CHAPTER 9: FINANCE AND TAXATION**

**Section 9-1: FISCAL YEAR.** The fiscal year of the Town shall be the Uniform Fiscal Year as prescribed by the General Statutes<sup>xviii</sup>. Accordingly, the year of the town shall begin on the first day of July and end on the last day of June.

**Section 9-2: BUDGET DEVELOPMENT.** Developing a budget proposal is the responsibility of the Town Manager, with the assistance of the Finance Director, along with policy guidance from the Board of Selectmen. As information and requests are generated or compiled concerning the development of the budget, it shall be shared in the manner and form which the Board of Selectmen deems appropriate. Participating in the process, from the presentation of the Town Manager's budget proposal to the final adoption of the budget, is the right and responsibility of the citizens of Westbrook.

### **Section 9-3: PRELIMINARY BUDGET ESTIMATES.**

**A.** It shall be the duty of the Town Manager, with the assistance of the Finance Director, to compile preliminary estimates for the annual budget.

**B.** The head of each Department of the Town supported wholly or in part from Town funds, or for which a specific Town appropriation is made, including the Chairman of the Board of Education shall, on or before January 1st of each year, file with the Town Manager on forms provided by the Town Manager, expenditure requests of that Department and the revenue, other than tax revenues, to be collected thereby in the ensuing fiscal year. The budget will be prepared for discussion on or before February 1<sup>st</sup> of each year.

**C.** Expenditure requests, except the requests of the Board of Education, shall be submitted in accordance with a budget classification plan formulated by the Town Manager with the assistance of the Finance Department, and approved by the Board of Selectmen and the assistance of the Board of Finance. Expenditure requests of the Board of Education shall be submitted in accordance with usual or standard procedures established or recognized for submission to the State Board of Education and/or the State Department of Education. Such requests shall be accompanied by data setting forth a program or programs showing services, activities and work accomplished during the current year and to be accomplished during the ensuing year.

**D.** Any Department shall include as part of its requests, estimates of the cost of proposed capital improvement projects for the ensuing fiscal year and four fiscal years thereafter. Such requests and estimates shall be in the form and at such time as prescribed by the Town Manager. The Town Manager, after consultation with the Finance Department, shall prescribe the format for budget presentation which shall include as a minimum comparative financial data for the current and preceding fiscal year operations.

**Section 9-4: TOWN MANAGER'S PROPOSED BUDGET.** Annually, at the time determined by the Board of Selectmen, the Town Manager shall present to the Board of Selectmen, a budget proposal consisting of:

**A.** A budget message outlining the fiscal policy of the Town and describing the important features of the budget plan, indicating any major changes from the current fiscal year expenditures and revenues, along with the reasons for such changes and containing a clear general summary of its contents;

**B.** Itemized revenues collected in the last completed fiscal year, the current year revenue estimate, projected revenues for the current fiscal year and estimated revenues to be collected during the ensuing fiscal year;

**C.** The budget of the Board of Education as submitted to the Town Manager, with appropriate analysis and documentation;

**D.** Statements of the Town Manager's proposed operating program and expenditures for the Town functions and Town-supported functions, other than those of the Board of Education, which shall consist of the following, in such detail as directed by the Board of Selectmen, for each Department: (1) totals for the last fiscal year; (2) totals for the current fiscal year to the time of preparing the estimates; (3) estimated totals for the end of the current fiscal year; (4) the requests of the several Departments for the ensuing fiscal year; and (5) the Town Manager's recommendations for the ensuing fiscal year. The Town Manager shall, at the request of the Board of Selectmen, present reasons for any recommendations;

**E.** Statements of the condition and estimated condition of the Town funds and of the debt service obligations of the Town, as well as a list of proposed capital improvements to be undertaken during the ensuing fiscal year or later years, and the proposed methods of financing them.

**F.** Such other information as will assist and inform those qualified to vote at the Annual Town Budget Meeting in deciding on an annual appropriation and a capital improvement program.

- (1) **Items Included.** The above shall include:
  - a) A clear general summary of its contents;
  - b) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
  - c) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
  - d) Method of financing, upon which each capital expenditure is to be reliant;
  - e) The estimated cost of operating and maintaining the facilities to be constructed or acquired.
- (2) **Yearly Revisions.** The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
- (3) **Notices; Hearings; Adoption.** The general summary of the capital improvement plan (CIP) shall be published, considered at public hearings; and adopted, all in

conjunction with the proposed budget in accordance with the provisions of Section 9-5 of this Charter

**G.** Copies of the budget, capital improvement plan, and appropriations and revenue estimates shall be public records and shall be made available at suitable places in town, as determined by the Board of Selectmen.

**Section 9-5: PRELIMINARY DUTIES OF BOARD OF SELECTMEN ON BUDGET.** On or before the last Tuesday in February of each year, the Board of Selectmen shall consider the budget for the ensuing fiscal year as prepared and presented by the Town Manager pursuant to Section 9-4 and make such modifications as the Board of Selectmen then deems appropriate. With respect to the budget proposal of the Board of Education, such alterations or changes shall be in the form of recommendations. On or before March 1<sup>st</sup> of each year, the Board of Selectmen shall present its completed budget to the Board of Finance.

**Section 9-6: SUBSEQUENT ACTION ON THE BUDGET.** Except as otherwise specifically provided by this Charter, all subsequent action on the budget, shall be in accordance with the procedures provided by the General Statutes or any Town Ordinance. Prior to the effective date of this Charter, the Town Meeting shall establish an Ordinance delineating the procedures by which further action on the budget is established. Said Town Ordinance shall include the required actions of the Board of Finance in accordance with the applicable provisions of the General Statutes<sup>xix</sup>. The Board of Finance shall have final authority with regard to the budget which shall be sent to the Annual Town Budget Meeting for consideration pursuant to the applicable provisions of the General Statutes. In the event such Ordinance is not adopted prior to the first budget to be developed following the effective date of this Charter, the Town shall strictly adhere to the provisions of the General Statutes governing the role of the Board of Finance.

**Section 9-7: ANNUAL TOWN BUDGET HEARING.**

**A.** The Board of Finance shall hold an Annual Town Budget Hearing at which time the Board of Education will present the proposed Board of Education Budget, and the Town Manager will present the proposed General Government Budget, together with a statement of anticipated revenues and estimated mill rate based upon such proposed Town Budget. The Board of Finance may hold additional public hearings if it deems the same necessary. At any of the public hearings referred to in this section, any person qualified to vote at the Annual Town Budget Meeting may be heard regarding the proposed budget for the next ensuing fiscal year.

**B. Amendment Before Adoption.** As soon as reasonably possible after the public hearing on the proposed budget, the Board of Finance shall approve the proposed budget with or without amendment. Failure of the Board of Finance to act within ten (10) days of the public hearing shall be deemed to constitute approval by the Board of Finance for submission to the Annual Town Budget Meeting. Also in this regard, consistent with Section 9-6 of this Charter, the Board of Finance shall have final authority with regard to the budget which shall be sent to the town for consideration pursuant to the authority of the Board of Finance under the General Statutes<sup>xx</sup>.

**Section 9-8: ADOPTION OF BUDGET.**

**A. Annual Town Budget Meeting.** The Annual Town Budget Meeting shall be held not less than one (1) month prior to the beginning of the next ensuing fiscal year for the purpose of action upon the budget, in accordance with the provisions of General Statutes<sup>xxi</sup>. The provisions of this section of the Charter shall be considered to be in addition to and not in lieu of the provisions of the applicable General Statutes which shall control.

**B. Referendum.**

(1) **Petition.** At least fourteen (14) days prior to the first Annual Town Budget Meeting, the Town Clerk shall prepare and have available in his or her office a form for a petition requesting a referendum vote on the budget. If, at least twenty-four (24) hours prior to such meeting, at least one hundred (100) persons entitled to vote at such meeting have signed such petition (or a petition conforming to the requirements of the General Statutes<sup>xxii</sup> on the same question), or if the Board of Selectmen vote to do so pursuant to the provisions of the General Statutes<sup>xxiii</sup>, then the question of the adoption of said proposed Annual Budget shall be decided by a "yes" or "no" vote on the "voting machines" in accordance with the provisions of the General Statutes<sup>xxiv</sup>. The provisions of this paragraph shall be considered to be in addition to and not in lieu of the provisions of the General Statutes with regard to the requirement of "by voting machine"<sup>xxv</sup>.

(2) **Referendum Questions.** Advisory questions may be added or deleted, from time to time only by an ordinance duly adopted for this purpose.

(3) **Rejection of Budget.** In the event that a proposed budget is rejected by the Annual Town Budget Meeting or by a referendum vote, the Board of Finance shall hold a public meeting at which it may revise its estimates and recommendations. Following such public meeting, the Board of Finance shall submit such estimates and recommendations to a special town budget meeting, to be conducted in the same manner as the Annual Budget Meeting. No further budget report, other than the call of the special budget town meeting, need be published prior to such special town budget meeting, provided that such estimates and recommendations shall be available at the Town Clerk's office at least five (5) days prior to the special town budget meeting. Such special town budget meeting may also be adjourned to a referendum pursuant to the applicable provisions of the General Statutes<sup>xxvi</sup>.

**Section 9-9: LAYING OF TAX.** The Board of Finance shall lay a tax on the grand list in accordance with the provisions of the General Statutes<sup>xxvii</sup> only after the budget has been approved, provided that if any fiscal year shall begin without a budget's having been approved, the Board of Finance shall be authorized to lay such tax on the grand list as the Board deems advisable in accordance with the provisions of the General Statutes<sup>xxviii</sup>.

**Section 9-10: BUDGET PROCEDURES AND SCHEDULES.** Except to the extent otherwise provided by this Charter, including those provisions set forth in this Chapter, all procedures and schedules of budgeting and finance of the Town shall be governed by the General Statutes<sup>xxix</sup> as well as any applicable Town Ordinance. Copies of the budget, capital improvement program, and appropriations and revenue estimates shall be public records and shall be made available to the public at

the Town Clerk's Office and other suitable places in the Town, as determined by the Board of Selectmen.

**Section 9-11: EXPENDITURES BEFORE ADOPTION OF THE GENERAL FUND OPERATING BUDGET.** Expenditures prior to the final adoption of the General Fund Operating Budget shall be in accordance with the applicable provisions of the General Statutes<sup>xxx</sup>.

**Section 9-12: TAX BILLS.** It shall be the duty of the Tax Collector to mail to each taxpayer a tax bill prepared in accordance with the applicable provisions of the General Statutes<sup>xxxii</sup>. The assessment of property for taxation and the collection of taxes shall be carried on in accordance with the provisions of the General Statutes<sup>xxxii</sup>.

In the event that no budget for the ensuing fiscal year shall be adopted by June 15 in any year, then the Tax Collector shall send out interim tax bills if so directed by the Board of Selectmen pursuant to the applicable provisions of the General Statutes<sup>xxxiii</sup>. When a budget is finally adopted, the Tax Collector may adjust the tax bill for the second half of the year to conform to the new rate as levied by the Board of Finance or send out additional tax bills.

**Section 9-13: SUPPLEMENTAL APPROPRIATIONS.** Supplemental appropriations shall be undertaken in accordance with the procedures as provided by any Town Ordinance, or by the applicable provisions of the General Statutes. Any proposed supplemental appropriation shall include its proposed source of funding

**Section 9-14: BORROWING.** Except as otherwise specifically provided by this Charter, borrowing for the Town shall be allowed and undertaken in accordance with the procedures provided by Town Ordinance, or by the applicable provisions of the General Statutes.

**Section 9-15: PURCHASING AND EXPENDITURES.** Except as otherwise specifically provided by this Charter, purchasing and expenditures for the town shall be allowed and undertaken in accordance with the procedures as provided by any Town Ordinance, or by the applicable provisions of the General Statutes.

**Section 9-16: ANNUAL AUDIT.** An independent certified public accountant or firm of independent public accountants shall be engaged by the Board of Finance on an annual basis to audit the books and accounts of the Town as provided by applicable law, including but not limited to the General Statutes.

**Section 9-17: LIENS, ASSESSMENTS FOR SERVICES.** Except as otherwise specifically provided by this Charter, liens and assessments for services for the town shall be allowed and undertaken in accordance with the procedures as provided by the Town Ordinances<sup>xxxiv</sup>.

**Section 9-18: ASSESSMENTS, COLLECTION, WARRANT LIEN.** Except as otherwise specifically provided by this Charter, assessments, collections, warrants and liens shall be allowed and undertaken in accordance with the procedures as provided by the Town Ordinances, or by the applicable provisions of the General Statutes<sup>xxxv</sup>.

**CHAPTER 10: MINORITY REPRESENTATION**

**Section 10-1: MINORITY REPRESENTATION.** Minority Representation on any elected or appointed Board or Commission of the Town shall be determined in accordance with the provisions of the General Statutes<sup>xxxvi</sup>, except in the case of a five-member Board or Commission where the maximum number of any such Board or Commission from the same political party shall be three. The maximum number of any such Board or Commission who may be members of the same political party shall be as specified in the following table:

<b>Column I</b>	<b>Column II</b>
<b>Total Membership</b>	<b>Maximum from One Party</b>
<b>3</b>	<b>2</b>
<b>4</b>	<b>2</b>
<b>5</b>	<b>3</b>
<b>6</b>	<b>4</b>
<b>7</b>	<b>4</b>
<b>8</b>	<b>5</b>
<b>9</b>	<b>6</b>
<b>More than 9</b>	<b>2/3 of total membership</b>

## **CHAPTER 11: TRANSITION**

**Section 11-1: PRESENT EMPLOYEES TO RETAIN POSITIONS.** All officers of the Town and members of all Boards and Commissions on the effective date of this Charter shall retain their positions until the expiration of their term. Unless it is inconsistent with the provisions of this Charter, any provision of law in force at the time this Charter is enacted with respect to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights, or any other rights or privileges of employees of the Town or any Department thereof shall continue in effect until or unless amended or repealed in accordance with the provisions of this Charter.

**Section 11-2: TRANSFER OF RECORDS AND PROPERTY.** All records, property, and equipment whatsoever of any Board or Commission or Department or part thereof, all the powers and duties of which are assigned to any other Board or Commission, official or Department by this Charter, shall be transferred and delivered intact to the Board or Commission, official or Department to which such powers and duties are so assigned. If part of the powers and duties of any Board or Commission, official or Department or part thereof are by this Charter assigned to another Board or Commission, official or Department, all records, property, and equipment relating exclusively thereto shall be transferred and delivered intact to the Board or Commission, officials or Department to which such powers and duties are so assigned.

**Section 11-3: 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 Board or Commission, official or Department, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such proceedings or actions may be continued notwithstanding that functions, powers, and duties of any Board or Commission, official or Department may, by or under this Charter, be assigned or transferred to another Board or Commission, official or Department; but in that event, the same may be prosecuted or defended by the Board or Commission, official or Department, or its head, to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

### **Section 11-4: REVIEW AND AMENDMENT OF CHARTER**

**A.** The Board of Selectmen shall review this Charter, and its several provisions, 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 (5) years. The Board of Selectmen shall publish said review as part of the Annual Town Report, and if the review determines that the a Charter Review Commission will not be established, the specific reasons for the such determination shall be expressly set forth in the aforesaid publication of said review.

**B.** This Charter may be amended in the manner prescribed by law.

**Section 11-5: SAVINGS CLAUSE.** 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 a Section to which such holding shall directly apply.

**Section 11-6: EFFECTIVE DATE.** The provisions of this Charter applicable to elected officials, including but not limited to Chapters 2 and 3 shall become effective upon adoption by the Electors of the Town of Westbrook. The remainder of the provisions of this Charter shall become effective on January 1, 2014.

Respectfully Submitted by the Westbrook Charter Commission duly appointed by the Westbrook Board of Selectmen on June 28, 2010:

Anne Barton  
Lee Bridgewater  
John Ferrara  
Sid Holbrook  
Paul Keryc  
Mary Labbadia  
Pat Labbadia, III  
Mark Lynskey  
Robert Schreck

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#### Relevant Statutory References

- <sup>i</sup> C.G.S. §9-1. Definitions. (e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town;".
- <sup>ii</sup> At the time of the proposed charter the applicable provision is General Statutes §9-222.
- <sup>iii</sup> At the time of the proposed charter the applicable provision is General Statutes §9-203b
- <sup>iv</sup> At the time of the proposed charter the applicable provision is General Statutes §§9-189a and 9-190a.
- <sup>v</sup> At the time of the proposed charter the applicable provision is General Statutes §9-188.
- <sup>vi</sup> At the time of the proposed charter the applicable provision is General Statutes §9-188.
- <sup>vii</sup> At the time of the proposed charter the applicable provision is General Statutes §7-80.
- <sup>viii</sup> At the time of the proposed charter the applicable provision is General Statutes §1-7 the so-called "Freedom of Information Act".
- <sup>ix</sup> At the time of the proposed charter the applicable provision is General Statutes §7-6.
- <sup>x</sup> At the time of the proposed charter the applicable provision is General Statutes §7-344.
- <sup>xi</sup> At the time of the proposed charter the applicable provision is General Statutes §§7-1 through 7-9d.
- <sup>xii</sup> At the time of the proposed charter the applicable provision is General Statutes §7-6.
- <sup>xiii</sup> At the time of the proposed charter the applicable provision is General Statutes §7-9.
- <sup>xiv</sup> At the time of the proposed charter the applicable provision is General Statutes §7-9.
- <sup>xv</sup> At the time of the proposed charter the applicable provision is General Statutes §7-100k and 12-40 et seq. See, also Assessor- Connecticut General Statutes Chapter 96A, Assessors (§§ 7-100k) and Chapter 203, Property Tax Assessment (§§ 12-40 - 12-121z).
- <sup>xvi</sup> At the time of the proposed charter the applicable provision is General Statutes §7-148h.
- <sup>xvii</sup> At the time of the proposed charter the applicable provision is General Statutes §7-148h and 1-82a.
- <sup>xviii</sup> At the time of the proposed charter the applicable provision is General Statutes §7-382.
- <sup>xix</sup> At the time of the proposed charter the applicable provision is General Statutes §7-344 through 7-349.
- <sup>xx</sup> At the time of the proposed charter the applicable provision is General Statutes §7-344 through 7-349.
- <sup>xxi</sup> At the time of the proposed charter the applicable provision is General Statutes §7-344 through 7-388.
- <sup>xxii</sup> At the time of the proposed charter the applicable provision is General Statutes §7-7.

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- xxiii At the time of the proposed charter the applicable provision is General Statutes §7-7.
- xxiv At the time of the proposed charter the applicable provision is General Statutes §7-7.
- xxv At the time of the proposed charter the applicable provision is General Statutes §7-7.
- xxvi At the time of the proposed charter the applicable provision is General Statutes §7-7.
- xxvii At the time of the proposed charter the applicable provision is General Statutes §7-344.
- xxviii At the time of the proposed charter the applicable provision is General Statutes §7-344.
- xxix At the time of the proposed charter the applicable provision is General Statutes §7-344 through 7-349.
- xxx At the time of the proposed charter the applicable provision is General Statutes §7-405.
- xxxi At the time of the proposed charter the applicable provision is General Statutes §12-130 and 12-131.
- xxxii At the time of the proposed charter the applicable provision is General Statutes §12-40 through 12-195f.
- xxxiii At the time of the proposed charter the applicable provision is General Statutes §12-123.
- xxxiv At the time of the proposed charter the applicable provision is General Statutes §12-122 through 12-170.
- xxxv At the time of the proposed charter the applicable provision is General Statutes §12-40 through 12-195h.
- xxxvi At the time of the proposed charter the applicable provision is General Statutes §9-167a.