

# Charter

*of the*

# Town of Westbrook

EXHIBIT D - 10-24-2011

## 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.

**Section 1-2: RIGHTS AND OBLIGATIONS.** All property, both real and personal, all rights of action and rights of every description and all securities and liens in 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contains provisions that the same may be enforced by any Board or department therein named which is hereby abolished or superseded by the creation herein of a new Board or department to which are granted similar powers and jurisdiction, such contracts, bonds or undertakings shall continue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 department shall, except as otherwise provided in this Charter, hereafter be exercised and discharged by the chief executive officer of the Town.

**Section 1-3: GENERAL GRANT OF POWERS.** In addition to all powers granted to the Town under the Constitution and General Statutes of the State of Connecticut, particularly Section 7-148 and Section

7-149 of the Connecticut General Statutes, the Town shall have all of the powers granted or implied in this Charter, and other of the powers necessary to the management, government, and affairs of the Town. The Town shall have the power to enter into contracts for any purposes not prohibited by law. The enumeration of specific powers in this and any other chapter of the Charter shall not be construed as limiting this general grant of powers, but shall be considered an addition thereto.

**Section 1-4: EFFECT ON OTHER LAWS.** This Charter shall be the organic law of the Town in the administration of local affairs. Special acts, ordinances bylaws and resolutions inconsistent with this Charter and superseded by it shall have no further force or effect after the effective date of this Charter. Other special acts affecting the Town and all other ordinances and resolutions duly adopted and in force before the effective date of this Charter shall remain in force.

**CHAPTER 2: ELECTIONS**

**Section 2-1: GENERAL**

**A.** Nomination and election of state, and federal officers, state senators and representatives, judge of probate and such elective town officers, boards and commissions as are provided for in this charter shall be conducted and the registrar of voters shall prepare lists of electors qualified to vote in the manner prescribed in the Constitution and the General Statutes of the State of Connecticut applicable to the town, except as hereinafter provided.

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

**Section 2-2: MINORITY REPRESENTATION, ELECTIVE AGENCIES.** Minority Representation on any elective board, committee, commission or similar body of the town shall be determined in accordance with the provisions of section 9-167a of the Connecticut General Statutes as amended except in the case of a five-member board, committee, commission or similar body where the maximum number of any such board, committee, commission or similar body from the same political party shall be three. The maximum number of any elective board, committee, commission or similar body 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>
3	2
4	2
5	3
6	4
7	4
8	5
9	6
More than 9	2/3 of total membership

**Section 2-3: MUNICIPAL VOTING DISTRICTS.** There shall be voting districts as the same existed on the effective date of this Charter and the number of such districts shall not be increased or diminished, nor their boundaries altered, except by ordinance of the Board of Selectmen approved by a majority of the electors voting on a date established by the Board of Selectmen.

**Section 2-4: ELIGIBILITY FOR ELECTIVE OFFICE.** No person who is not at the time of his/her election a registered voter of the town, shall be eligible for election to any town office, and any person ceasing to be a registered voter of said town shall thereupon automatically cease to hold elective office in the town.

**Section 2-5: BREAKING A TIE.** When any regular or special town election conducted pursuant to the provisions of this charter results in a tie, and one of the tied candidates shall not have voluntarily retired from the contest, a special election shall be conducted to determine who shall be elected. Said special election shall be held by the board of selectmen on the seventh day after the election which resulted in a tie and shall be confined to the tied candidates. Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines.

**Section 2-6: VACANCIES**

**A.** Any vacancy occurring on any elected board or commission shall be filled with appointment by the remaining members of such board or commission for the unexpired portion of the term or until the next biennial election, whichever shall be sooner; provided that when the person vacating the office shall have been elected as a member of a political party such vacancy shall be filled by the appointment of a member of the same political party. If there is a biennial 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 the office for the unexpired portion of the term, such person to take office on the second Tuesday following the election. If the board cannot decide upon a person within thirty days of the occurrence of the vacancy, a special election shall be held as soon as possible in procedural accordance with the Connecticut General Statutes subject to the minority representation provisions of this charter.

**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 thirty (30) days of the occurrence of the vacancy in accordance with Connecticut General Statute Section 9-222, for the unexpired portion of the term or until the next biennial election, whichever shall be sooner. If there is a biennial 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 the office for the unexpired portion of the term, such person to take office on the second Tuesday following the election. If the board cannot decide upon a person within thirty days of the occurrence of the vacancy, a special election shall be held as soon as possible in procedural accordance with the Connecticut General Statutes subject to the minority representation provisions of this Charter.

**CHAPTER 3: ELECTIVE OFFICES**

**Section 3-1: GENERAL POWERS AND DUTIES.** Except as otherwise provided in this Charter, all elective town offices, boards, and commissions shall have all the powers, duties, privileges and functions as are or may in the future be conferred on them by the Connecticut General Statutes, Special Acts, this Charter, Ordinances or Regulations adopted pursuant to law, or any amendments thereto.

**Section 3-2: TERMS OF OFFICE:** The terms of office of all elective 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 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 Section 9-203b of the Connecticut General Statutes, the provisions of which are incorporated into this Charter.

**Section 3-3: REGISTRAR OF VOTERS.** There shall be two registrars of voters to be elected in the state election for terms of four years as provided in section 9-189a and 9-190a as amended in the Connecticut General Statutes.

**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 Connecticut General Statutes Section 9-188 to the extent that said statute is not inconsistent with the other provisions of this Charter. The First Selectman and the Selectmen shall serve without compensation except for the reimbursement of expenses incurred in the performance of official duties. 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.** The electors shall vote for one (1) candidate for First Selectman, and two (2) candidates for the remaining Selectmen offices pursuant to Connecticut General Statutes Section 9-188.

**C. TRANSITIONAL PROVISIONS.** At the first regularly scheduled 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 candidates for First Selectman shall also declare in advance whether they are running for a four (4) year term, or for a two (2) year term, which shall govern in the event that the candidate is not successful in the election for First Selectman. This declaration shall be used in comparing the votes of the unsuccessful First Selectman candidate to the votes of the other Selectmen for the purpose of determining which candidates shall serve as members of the Board of Selectmen.

**D.** Thereafter, an election shall take place every two (2) years for four (4) year terms to fill expired terms, and all of the elections referenced in this section shall be governed by the Connecticut 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.** A Board of Finance consisting of six (6) members with six (6) year overlapping terms shall exist as provided by, and subject to the limitations and conditions of, the Connecticut General Statutes, Special Acts, this Charter, Ordinances or Regulations adopted pursuant to law, or any amendments thereto.

**Section 3-6: TREASURER.** At each 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 Section 7-80 of the Connecticut General Statutes as they are amended from time to time and in the job description provided by the Town of Westbrook.

**Section 3-7: TOWN CLERK.** At each 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 Connecticut General Statutes as they are amended from time to time, and in the job description provided by the Town of Westbrook.

**Section 3-8: TAX COLLECTOR.** At each 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 Connecticut General Statutes as they are amended from time to time, and in the job description provided by the Town of Westbrook.

**Section 3-9: OTHER OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS, AND AGENCIES.** Except as otherwise specifically provided by this Charter, the Town of Westbrook shall have such other town officers, departments, boards, commissions and agencies as now exist and as are provided by the Connecticut General Statutes, Special Acts or as provided by any Ordinance adopted pursuant to law. All such officers, departments, boards, commissions and agencies shall be elected or appointed in the manner provided by Connecticut General Statutes or by Special Act or by this Charter or as provided by Ordinances adopted pursuant to law, and shall continue to have such powers, duties, privileges and functions as are or may in the future be conferred on them by the Connecticut General Statutes, Special Acts, this Charter, Ordinances or Regulations adopted pursuant to law, or any amendments thereto. 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 Chapter 3, Section 3-4 of this Charter.

**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. He or she shall be an ex-officio member, without vote, of all other town boards, commissions and committees. He or she 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 except as otherwise specifically provided in this charter. During his absence or disability, his duties 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.

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

**A.** The Board of Selectmen shall have the powers and duties conferred by the Constitution and general laws of the state on 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 Connecticut General Statutes or this Charter to some other officer, board, agency or to the Town Meeting.

**B.** The Board of Selectmen shall have power, subject to the provisions of the Connecticut General Statutes and this Charter, to create or abolish departments, offices, agencies and employments; adopt regulations for the operation of departments, agencies and offices; and 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 resolutions not inconsistent with this Charter and the general statutes of the state, 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 Connecticut 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 five 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 Freedom of Information Act.

Reference: See Connecticut General Statutes §1-7 et seq.

**Section 4-5: PUBLIC HEARING ON 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 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 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 day following final passage of such ordinance. All ordinances shall be filed with the Town Clerk and recorded, compiled and published by the Town Clerk as required by law.

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

**Section 5-2: MEMBERS OF THE TOWN MEETING.** Members of the Town Meeting shall be the electors of the Town, along with all others who are eligible to vote at Town Meetings on particular matters as required by applicable Connecticut General Statutes as they are amended from time to time, such as for example, votes on financial matters by a person 18 years of age or older who owns property listed on the grand list with an assessed value of One Thousand (\$1,000) Dollars or more per person as currently provided by Connecticut General Statutes, or such other higher limits as are established under any future amendments thereto.

**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. Each board Chairman shall assign at least one of its members to be present at this meeting, ready to discuss that board'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 qualified to vote present and voting. Notwithstanding the provision of Section 5-6 of this Charter, the procedure to be followed in preparing and submitting the budget for the Annual Meeting shall be as prescribed by Section 9-3 of this Charter. The Meeting shall have the power to decrease or delete any appropriation or item in any appropriation, but it may not increase or add to any appropriation or item in an appropriation or make any appropriation for a purpose not recommended by the Board of Selectmen, except as otherwise provided for in Section 7-34b of the Connecticut General Statutes.

**B.** Special Town Meetings may be called from time to time by the Board of Selectmen and as required by Sections 4-4 and 4-5 of this Charter, and as otherwise required by law.

**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, or if there be an elected moderator present, ready and qualified to proceed, to accept the call of the meeting. All business shall be conducted as provided by Chapter 90 of the Connecticut General Statutes, as they are amended from time to time.

**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 majority of qualified voters present and voting pursuant to Section 7-6 of the Connecticut General Statutes, as they are amended from time to time.

**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 applicable Connecticut General Statutes, as they are amended from time to time.

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

**A.** The Town Meeting shall have the sole power to enact or repeal ordinances, except as provided in Section 4-3(b) of this Charter.

**B.** In addition to such acts of the Town Meeting as are required by applicable Connecticut General Statutes, as they are amended from time to time, or by other provisions of this Charter, to be by ordinance, every act creating, altering or abolishing any agency or board or authorizing the borrowing of money to be secured by bonds or notes of the Town, except as provided in Section 9-12 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, except as provided in Section 4-3(a) of this Charter, shall be by ordinance.

**C.** Every ordinance, except the annual budget ordinance, a bond ordinance and an ordinance making a general codification of ordinances, shall be confined to a single subject that shall be clearly expressed in its title. All ordinances which shall amend or repeal existing 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 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 Section 7-9 of the Connecticut General Statutes 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 business days after the receipt of such petition.

**F.** The Board of Selectmen shall hold a public hearing on the proposed ordinance with thirty days after the Selectmen's proposal was filed with the Town Clerk or within thirty days after the petition was received from the Town Clerk. The board of Selectmen shall give seven 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 state statutes, as they are amended from time to time.

**G.** With fifteen 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 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 fifteen 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 to enact resolutions at any time in the discharge of their duties.

**B.** No less than fifty 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 requirements of Section 7-9 of the Connecticut General Statutes as they are amended from time to time. 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.

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

The acceptance and abandonment 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.

### **CHAPTER 6: APPOINTIVE OFFICERS**

**Section 6-1: GENERAL.** The Board of Selectmen by majority vote shall appoint by resolution 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; a Zoning Enforcement

Officer; and a Finance Director. These positions shall be accountable to the Town Manager and the Board of Selectman. The Board of Selectmen shall appoint by ordinance such other town offices, boards and commissions as it may determine are necessary or appropriate for the general welfare of the town and not otherwise specifically provided for in this charter. It may also appoint by resolution such committees as it may determine are necessary or appropriate for the general welfare of the town. These appointive positions shall be accountable to the Town Manager and the Board of Selectmen.

### **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 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 provided by ordinance of the Board of Selectmen.

**B.** The terms of office, qualifications and method of appointment of all administrative and advisory officials and employees shall be as provided under the provisions of the Connecticut General Statutes, except as otherwise specified in this Charter.

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

Except as otherwise provided in this Charter, all appointed officials, boards and commissions shall have all of the powers and duties prescribed by law or ordinance.

### **Section 6-4: VACANCIES**

**A.** Any vacancy in any appointive town office, from whatever cause arising, shall be filled by the Board of Selectmen in accordance with the provisions on minority representation as set forth in Section 2-2 of this Charter.

**B.** Vacancies in administrative and advisory 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 law, the Board of Selectmen may, by majority vote, combine functions and positions in filling any appointive positions.

### **Section 6-6: TOWN COUNSEL; COUNSEL FOR INDEPENDENT BOARDS**

**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, boards, commissions, committees and agencies, or members thereof in relation to their official duties; (2) be the legal advisor to all town officers or agencies 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. Counsel for Independent Boards, Commissions, Committees and Agencies.** Notwithstanding the provisions of the Paragraph (a) of this Section, independent boards, commissions, committees and agencies and Officials of the Town may, subject to budget approval, have and retain other legal counsel of their choice with respect to their particular activities.

**Section 6-7: TAX ASSESSOR.** After establishing and receiving the recommendations of a search committee, the Board of Selectmen shall, by majority vote of its members at a duly noticed meeting, hire a Tax Assessor. Duties of the Tax Assessor shall be as provided in the Connecticut General Statutes as they are amended from time to time, as well as in the personnel manual and the job description provided by the Town of Westbrook.

**Section 6-8: FINANCE DIRECTOR.** Duties of the Finance Director shall be as provided in the Connecticut General Statutes as they are amended from time to time, as well as in the personnel manual and job description provided by the Town of Westbrook.

**Section 6-9: TOWN MANAGER.** Duties of the Town Manager shall be as provided in the Connecticut General Statutes as they are amended from time to time, in the job description provided by the Town of Westbrook, and as otherwise specified in 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 ordinances or regulations dealing with technical requirements. 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 and 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 is set forth under the Connecticut General Statutes, as they are amended from time to time, as well as in the personnel manual and job description provided by the Town of Westbrook.

**CHAPTER 7  
TOWN MANAGER**

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

**A.** The Board of Selectmen shall appoint a Town Manager for an indefinite term and 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.

**\*State law references:** Town Manager– Connecticut General Statutes Chapter 96 §7-98 to §7-100.

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

**A.** The Town Manager shall be the chief executive officer of the Town. The Town Manager shall have such responsibility and authority as shall be vested in the Town Manager or delegated to the Town Manager by the Connecticut General Statutes, this Charter and the Board of Selectmen. Except as otherwise provided in this Charter, the Town Manager shall supervise, direct, and be responsible to the Board of Selectmen for, the administration of finance, public works, welfare, health, public safety, tax collection, tax assessment, town clerk, and such other offices and agencies as the Board of Selectmen may direct.

**B.** In lieu of any appointment it is to make, the Board of Selectmen may provide that the Town Manager shall perform the duties of any office under the Town Manager's jurisdiction, provided the same is not inconsistent with law. However, in this regard, in the event that the Town Treasurer is absent or unable to act, the Town Manager may countersign checks in accordance with the provisions of this Charter.

**C.** With the assistance of the Finance Director, the Town Manager shall be the purchasing agent of the town subject to such rules and regulations as shall be prescribed by the Board of Selectmen.

**D.** Except as otherwise provided in this Charter, neither the Town Meeting nor the Board of Selectmen shall diminish by ordinance, vote or otherwise the powers and duties of the Town Manager as established by this Charter, except those powers and duties imposed on him by direction of the Board of Selectmen under the provisions of this section. The Town Manager shall exercise the authority and perform all the duties of Town Manager, except as otherwise specifically provided in this Charter.

### **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 ordinances of the Town are faithfully executed.
- (2) To make periodic reports to the Board of Selectmen and to 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(B) 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 he/she shall seek with regard to financial matters affecting the Town, and to whom he/she 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.

- (7) 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.
- (8) 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 office or agency of the Town, except for the Board of Education.
- (9) Prepare and submit to the Board of Selectmen, as directed, an annual budget and capital improvement program.
- (10) Approve departmental procedures, rules and regulations as may be required by this Charter.
- (11) Make those appointments authorized by law or this Charter, and to remove same in accordance with the Town Personnel Policy, at the direction of the Board of Selectmen.
- (12) Perform the duties of any appointive office provided the same is not inconsistent with law, and is done with the approval of the Board of Selectmen.
- (13) Prepare and keep current the Personnel Policy as required by this Charter, subject to the approval of the Board of Selectmen.
- (14) 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.
- (15) 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.
- (16) Recommend to the Board of Selectmen such measures as the Town Manager shall deem necessary or expedient.
- (17) Make recommendations to the Board of Selectmen concerning the affairs of the Town, and facilitate the work of the Board of Selectmen in developing policy.
- (18) Assist the Board of Selectmen to develop long-term goals for the Town along with appropriate strategies to implement such goals.
- (19) Encourage and provide staff support for regional and intergovernmental cooperation.
- (20) Promote partnerships among the Board of Selectmen, other boards and commissions, staff and citizens in developing public policy and building a sense of community.
- (21) Exercise such powers and perform such other duties as may be required by ordinance or 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.

**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.

**CHAPTER 8: APPOINTIVE BOARDS AND COMMISSIONS**

**Section 8-1: BOARD OF SELECTMEN APPOINTMENTS.** Unless otherwise specifically provided under this Charter, the Board of Selectmen shall appoint the members of all appointive boards, commissions, and committees. All members of appointive boards, commissions, and committees shall be qualified electors of the Town and their positions shall be deemed to be vacated upon their ceasing to be electors of the Town. It shall be the responsibility of each member of an appointive board, commission or committee to promptly provide written notification to the Town Clerk, upon ceasing to be an elector of the Town.

**Section 8-2: COMPENSATION.** All members of boards, commissions, and committees shall serve without compensation, except for reimbursement of expenses, as authorized by the Board of Selectmen after making provisions for proper appropriation.

**Section 8-3: TERMS OF OFFICE**

**A.** The terms of office of all members of appointive boards, commissions, committees and agencies shall be as specified in this Charter or the statute, special act, ordinance or resolution authorizing or establishing any such board, commission, committee or agency. 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 this Charter or such statute's special act, ordinance or resolution, the terms of office of members of such appointive boards, commissions, committees and agencies shall continue until their successors have been appointed and qualified.

**B.** A member of any appointive board, commission, committee or agency may resign his or her 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 an elector of the Town. Vacancies in all appointive boards, commissions, committees and agencies shall be filled by the Board of Selectmen within forty-five (45) days from the effective date such vacancy is made known to the Town Clerk. If the Board of Selectmen shall fail to fill any vacancy in the appointive office on or before forty-five (45) days after receiving written notice of such vacancy, the board or commission within which such vacancy has occurred shall itself fill such vacancy. For the purpose of the limits on minority representation set forth below, the party affiliation of any person filling a vacancy under provisions of this section shall have priority over the party affiliation of persons appointed to said board for the new terms of office.

**Section 8-4: MINORITY REPRESENTATION.** Majority representation on any board, commission, committee or agency shall be limited as specified under Section 2-2 of this Charter. Nothing herein shall be construed to prohibit any unaffiliated elector from being a candidate for or from serving on any board, commission, committee or agency. There shall be a required minority representation.

**Section 8-5: GENERAL POWERS AND DUTIES.** Except as otherwise provided in this Charter, all appointive boards, commissions, committees and agencies shall have all the powers and duties prescribed either by the General Statutes of Connecticut, or by ordinance, special act or resolution authorizing or establishing, or otherwise applicable to, said board, commission, committee or agency.

**Section 8-6: OTHER OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS, AND AGENCIES.** Except as otherwise specifically provided by this Charter, the Town of Westbrook shall have such other town officers, departments, boards, commissions and agencies as now exist and as are provided by the Connecticut General Statutes, Special Acts or as provided by any Ordinance adopted pursuant to law. All such officers, departments, boards, commissions and agencies, shall be elected or appointed in the manner provided by Connecticut General Statutes or by Special Act or by this Charter or as provided by Ordinances adopted pursuant to law, and shall continue to have such powers, duties, privileges and functions as are or may in the future be conferred on them by the Connecticut General Statutes, Special Acts, this Charter, Ordinances or Regulations adopted pursuant to law, or any amendments thereto. These shall include, but not be limited to, the following:

1. Inlands, Wetlands and Watercourses Commission
2. Fair Rent Commission;
3. Housing Authority;
4. Retirement Board;
5. Forest Commission;
6. Shell Fish Commission.
7. Conservation Commission;
8. Economic Development Commission;
9. Fire Commission;
10. Harbor Management Commission;
11. Police Advisory Traffic Authority;
12. Senior Management Commission;
13. Water Pollution Control Commission;
14. Town Center Revitalization Committee;
15. Public Health Nursing Board; and
16. Board of Recreation.

**Section 8-7: ADDITIONAL BOARD, COMMISSIONS, COMMITTEES AND AGENCIES.**

On the recommendation of the Board of Selectmen, the Town Meeting may, by ordinance, create additional appointive boards, commissions, committees and agencies and specify their powers and duties. The Town Meeting may, by ordinance, abolish or consolidate appointive boards, commissions, committees and agencies and may likewise alter their powers and duties and change the numbers and terms of their members, unless otherwise specified by this Charter or required by state statute.

**Section 8-8: EXISTING BOARDS, COMMISSIONS, COMMITTEES**

**AND AGENCIES CREATED BY RESOLUTION.** Except as otherwise stated in this charter any board, commission, committee or agency created by Town Meeting Resolution or Town Ordinance shall continue in existence in accordance with the provisions of the Resolution or Ordinance establishing and authorizing said boards, commissions, committees and agencies.

**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 unanimous vote of the Board of Selectmen. 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 electors of the Town. 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 an elector of the Town 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 of Connecticut.

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

1. Establish and amend from time to time, a Code of Ethics provided such amendments shall become effective only upon ratification by the electors and those qualified to vote at 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 by Section 7-148h of the Connecticut General Statutes.

**D.** In accordance with Connecticut General Statutes §§7-148h and 1-82a, and notwithstanding any other provision of the Connecticut General Statutes, this Charter and Town ordinances, the provisions of Connecticut General Statutes §1-82a, governing confidentiality of complaints, evaluations of possible violations, investigations, and publication of findings, shall apply to the Commission.

**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 offices and departments, and their divisions and activities, including their functions and responsibilities, shall be adopted, revised or amended by the Board of Selectmen, after consultation with Town Manager, subject to the provisions of Section 7-2(B) of this Charter.

**B.** Upon the recommendation of the Town Manager, the head of each office or 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 the law prescribes.

**CHAPTER 9: FINANCE AND TAXATION**

**State law references:** Municipal uniform fiscal year, Connecticut General Statutes § 7-381 et seq.; municipal auditing, Connecticut General Statutes § 7-391 et seq.; municipal finance, Connecticut General Statutes § 7-398 et seq.

**Section 9-1: FISCAL YEAR.** The fiscal year of the Town shall be the Uniform Fiscal Year as prescribed by the Connecticut General Statutes § 7-382. 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 Director of Finance and the Department of Finance, to compile preliminary estimates for the annual budget.

**B.** The head of each office or agency 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 office or agency 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 Director of Finance, 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 office or agency 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 Director, 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 office or agency: (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 offices and agencies 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 the Board of Selectmen and the voting electors and taxpayers of Westbrook in deciding on an annual appropriation and a capital improvement program which shall include:

- i) A clear general summary of its contents;
- ii) 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;
- iii) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- iv) Method of financing, upon which each capital expenditure is to be reliant;
- v) The estimated cost of operating and maintaining the facilities to be constructed or acquired.

1. **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.

**2. Notice of Hearing.** The general summary of the capital improvement plan (CIP) 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, along with a notice stating:

- a. The times and places where copies of the capital program are available for inspection by the public, and
- b. The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.

**3. Adoption.** A capital improvement plan shall be adopted, with or without amendment, after a public hearing, within a reasonable time of the public hearing on the proposed budget.

**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: 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 which now exist and as provided by the Connecticut General Statutes, Special Acts or as provided by any Ordinance adopted pursuant to law.

**Section 9-6: TAX BILLS.** It shall be the duty of the Tax Collector to mail to each taxpayer a tax bill prepared in accordance with the provisions of Sections 12-130 and 12-131 of the Connecticut General Statutes as amended. The assessment of property for taxation and the collection of taxes shall be carried on in accordance with the provisions of Chapter 203 and 204 of the Connecticut General Statutes, as amended.

In the event that no budget for the ensuing fiscal year shall be adopted by June 15 in any year, then the Tax Collector may send out interim tax bills for the same amount as in the previous year. When a budget is finally adopted, the Tax Collector may adjust the second bill to conform to the new rate as voted by the Board of Finance or send out additional tax bills.

**Section 9-7: SUPPLEMENTAL APPROPRIATIONS.** Except as otherwise specifically provided by this Charter, supplemental appropriations shall be undertaken in accordance with the procedures which now exist and as provided by the Connecticut General Statutes, Special Acts or as provided by any Ordinance adopted pursuant to law.

**Section 9-8: BORROWING.** Except as otherwise specifically provided by this Charter, supplemental appropriations shall be undertaken in accordance with the procedures which now exist and as provided by the Connecticut General Statutes, Special Acts or as provided by any Ordinance adopted pursuant to law.

**Section 9-9: 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 which now exist and as provided by the Connecticut General Statutes, Special Acts or as provided by any Ordinance adopted pursuant to law.

**Section 9-10: ANNUAL AUDIT.** An independent certified public accountant or firm of independent public accountants shall be engaged on an annual basis to audit the books and accounts of the Town as provided by applicable law, including but not limited to the Connecticut General Statutes as they are amended from time to time.

**Section 9-11: 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 which now exist and as provided by the Connecticut General Statutes, Special Acts or as provided by any Ordinance adopted pursuant to law.

**Section 9-12: 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 which now exist and as provided by the Connecticut General Statutes, Special Acts or as provided by any Ordinance adopted pursuant to law.

## **CHAPTER 10: TRANSITION**

**Section 10-1: PRESENT EMPLOYEES TO RETAIN POSITIONS.** All appointed and elected employees of the Town 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 office, department, or agency thereof shall continue in effect until or unless amended or repealed in accordance with the provisions of this Charter.

**Section 10-2: TRANSFER OF RECORDS AND PROPERTY.** All records, property, and equipment whatsoever of any commission, board, department, or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department, or office by this Charter, shall be transferred and delivered intact to the commission, board, department, or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department, or office or part thereof are by this Charter assigned to another commission, board, department, or office, all records, property, and equipment relating exclusively thereto shall be transferred and delivered intact to the commission, board, department, or office to which such powers and duties are so assigned.

**Section 10-3: 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 commission, board, department, or office thereof, 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 commission, board, department, or office party thereto may, by or under this Charter, be assigned or transferred to another commission, board, department, or office; but in that event, the same may be prosecuted or defended by the commission, board, department, or office, or its head, to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

**Section 10-4: 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 10-5: 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 10-6: EFFECTIVE DATE.** This Charter shall become effective on the thirtieth (30<sup>th</sup>) day after its approval as specified Connecticut General Statutes Section 7-191(f).

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