

Draft Report for Public Hearing June 6, 2023
from the
2022 Charter Revision Commission
May 25, 2023

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OVERVIEW OF THE CHARTER REVIEW PROCESS

Caunthille Melin
TOWN CLERK

On October 5, 2022, the East Lyme Board of Selectmen ("BOS") charged the Charter Revision Commission ("CRC") with consideration of certain specific Town Charter revisions (the "Charges") as well as such other items as the CRC deems desirable or necessary, and memorializing the recommendations in a draft report to be delivered to the BOS by August 1, 2023.

On October 5, 2022, the BOS appointed the following members of the CRC: Jeffrey McNamara (R), Marc Salerno (R), Timothy Hagen (R), Larry Fitzgerald (R), Beth Hogan (D), Barry Sheckley (D), Jay Ginsberg (D), Vivek Purohit (D), Wayne Blair (U), Maryanna Stevens (U), and Anna Johnson (U). The CRC expresses its sadness and regret at Ms. Hogan's passing on January 28, 2023, and notes her long and dedicated service to the town on numerous Town boards and commissions and as First Selectman.

At its first meeting on October 18, 2022, the CRC elected Marc Salerno as Chair, Jeffrey McNamara as Vice-Chair, and appointed Brooke Stevens as Recording Secretary. Edward B. O'Connell, who served as co-counsel to the CRC with Tracy M. Collins, Town Counsel, reviewed the charge from the BOS and a proposed timeline for the CRC's work. The CRC held [14] meetings and public hearings between October 18, 2022, and the date of this Report to fulfill its charge. The CRC also established three subcommittees to focus on matters related to Town structure, commissions, and budget. As required by law, the CRC held public hearings prior to beginning work on the Charter, and after completion of the Draft Report but prior to submission to the BOS. The CRC received input from numerous Town Board and Commission members and members of the public, as evidenced in the CRC's minutes. Based on that information and input, the CRC formulated its recommendations.

RECOMMENDATIONS OF THE CHARTER REVISION COMMISSION

By law, all of the Charges and all of the CRC's recommendations must be included in this Report. A draft of the proposed revised Charter, red-lined to show the current language and the recommended changes, is attached as Exhibit A. The Report consists of two sections:

- Section I contains substantive recommendations, all but two of which are pursuant to the Charges. Governance reasons for not recommending certain items included in the Charges are also noted.
- Section II contains non-substantive recommendations in the form of updates to law and town practice, and clerical revisions for clarity and consistency.

SECTION I – PROPOSED SUBSTANTIVE REVISIONS

A. CHARGES FROM BOARD OF SELECTMEN

CHARGE 1. Consider possible elimination of automatic budget referendum provision in Section 7.3 of the Charter.

RECOMMENDATION

The CRC recommends amendment of the automatic budget referendum to limit automatic referendum to circumstances in which the proposed annual town budget represents a 5% or more increase over the prior year's adopted-annual town budget. When the proposed increase is less than 5% of the prior year's adopted annual town budget, the annual town budget will be voted on at the annual town meeting. Note that pursuant to Charter Section 7.1.3 in the event a referendum is not "automatic" the annual Town budget can be petitioned to a referendum. Section 7.1.3 provides the threshold number of signatures to trigger a referendum.

Section 7.3 – Annual Budget (Automatic Referendum) - is revised to remove the words "Automatic Referendum" from the title and to reflect that the vote on the annual town budget may occur at the annual town meeting or referendum, depending on the level of budget increase and whether the budget vote is petitioned to referendum. A cross-reference to the possible automatic referendum in Section 7.3 is included in Section 7.1.

RATIONALE

The recommendation is made in response to the significant expense and low voter turnout experienced with budget referenda. By way of example, the 2023 proposed budget increase was less than 5% of the 2022 adopted budget increase and the referendum cost \$8,625.00.

CHARGE 2. Consider possible merger of the Planning Commission and Zoning Commission.

RECOMMENDATION

The CRC does not recommend this change.

RATIONALE

This decision was made for the following reasons:

- Each commission already has a significant workload. The Zoning Commission meets twice per month and the Planning Commission meets once per month. Combining the commissions would be too burdensome and may result in fewer people willing to run and serve on a combined commission.
- The Planning Commission spends a significant amount of its time updating the Plan of Conservation and Development which is the basis for its decisions and referrals to

Zoning. There is a concern that the POCD would not receive the necessary focus with a combined commission.

- There is no indication that the current structure is problematic. Historically, when policy or regulations changes are being considered that impact both planning and zoning regulations, the commissions have formed joint subcommittees to address the issues.

CHARGE 3. Consider possible amendment of Section 2.7 to provide four-year terms of Selectmen and two or four-year terms of First Selectman.

RECOMMENDATION

The CRC recommends amending the Charter to allow for four-year terms for the First Selectman and for staggered four-year terms for the five Selectmen. The proposed amendment provides that at the next regular municipal election in November 2025, a First Selectman and two other Selectmen will be elected to terms of four years, and three other Selectmen will be elected to serve terms of two years. In all subsequent municipal elections the term of the First Selectman and other Selectmen will be four years.

RATIONALE

This decision was based on the following:

- A four-year term may be more attractive with respect to attracting talented candidates. Running a campaign every two years is expensive and time-consuming, detracting from the ability to govern. Four-year terms will allow the Selectmen to focus more on setting and enforcing policy rather than campaigning.
- It takes years for the First Selectman to implement and shepherd through policy changes, especially long-term planning. Additionally, developing relationships with commissions, department heads and other municipal, regional and state agencies is a slow process. Four-year terms allow for a more appropriate amount of time for this development to occur.
- New members have a learning curve with respect to BOS responsibilities and the manner in which those responsibilities are carried out. With two-year terms, a new member may face a reelection campaign before they have fully acclimated to their new role. Four-year terms would allow the Selectmen more time to effectively learn and impact policy decisions.
- Providing for staggered four-year terms for Selectmen allows for continuity on the BOS while also allowing the public to change the constitution of the BOS should they disagree or not like the direction of the BOS. Minority representation can still be obtained with staggered four-year terms.
- It provides consistency with the other town boards and commissions.

CHARGE 4. Consider possible removal of Town Clerk and Tax Collector from elective offices and add said offices to administrative offices.

RECOMMENDATION

The CRC recommends that the offices of Town Clerk and Tax Collector cease to be elective offices (as set forth in 2.8.1), and that the positions transition to being hired administrative officers. (see new 5.4) This change is consistent with existing Town employees.

The CRC further recommends and has included revisions to Charter Sections 4 and 5 to distinguish between elective, appointive and hired town officers.

RATIONALE

Restructuring the way the Town Clerk and Tax Collector are chosen will help ensure stability and continuity of positions with highly qualified persons. Both positions require prospective candidates to possess certain certifications and qualifications. If these positions are transitioned to administrative officers, compliance with the required credentials is more certain. By way of example, under the existing Charter, a Town Clerk and Tax Collector can be elected and not possess the required certifications to perform their statutorily mandated job duties. Under the existing Charter, a Town Clerk or Tax Collector who has been elected to a four year term but can no longer perform their work duties or is absent from work indefinitely, can continue to hold their position and be paid for up to four years.

Reorganization of Charter Sections 4 and 5 will clarify which town officers are appointed for a certain term and which are hired as town employees.

CHARGE 5. Consider the possible exemption from the residency requirement set forth in Section 4.1.2 certain appointive officers, such as Director of Emergency Management, Dog Warden, etc., and the administrative officers described in Sections 5.3-5.7.

RECOMMENDATION

The CRC recommends removing certain residency requirements for appointive and hired officers contained in the Charter, including but not limited to those officers identified in Charge 5. Note that the elective and appointive board and commissions residency requirements remain. (See revised Section 4.5.3)

The Charter Section 5 administrative officers are the Assessor, Director of Health, Building Official, Building Inspector, Fire Marshal, Animal Control Officer, Town Counsel, and the Town Meeting Moderator. The Director of Health is now Ledge Light and the Assessor is a hired position and not appointed. The Building Official (currently in Section 5.5), according to State statute must be appointed to a four year term and this position has been moved to Section 4.6 "Appointed Officers." The three proposed remaining Appointed Officers are the Town Counsel (Charter Section 5.2) and Town Meeting Moderators (proposed Charter Section 5.3). The Commission recommends deleting the residency requirement for Town Counsel and keeping the residency requirement for the Town Meeting Moderators.

RATIONALE

Three of the officers referenced in Charge 5 have been abolished: Constables, Special Constables and Dog Warden, leaving only the Tree Warden and the Town Director of Emergency Management.

Deleting the residency requirement for all of the above-listed town officers (excluding the Town Meeting Moderator) will increase the available talent pool for positions that require expertise. The hiring authority may consider residency as a factor in candidate selection.

CHARGE 6. Eliminate references to constables and special constables in the Charter.

RECOMMENDATION

The CRC recommends deleting the references to Constables and Special Constables in Section 4.6.1 of the Charter. In addition, the CRC recommends removing the reference to the Dog Warden in Section 4.6.1.

RATIONALE

Constables and the Dog Warden have been eliminated by Ordinance.

CHARGE 7. Consider the possible amendment of Section 6.3.4 to provide that if the Board of Finance does not act on requests for special appropriations or transfers of funds within a specified time, the result is automatic approval.

RECOMMENDATION

The CRC recommends instituting automatic approval of requests for Board of Finance approval of special appropriations and transfers of unexpended funds upon the failure of the Board of Finance to act on such a request within thirty days of submission. Proposed new text appears in proposed Sec. 6.3.5 (renumbering occurring due to new proposed section added in response to Charge 8).

RATIONALE

Instituting automatic approval of requests to the Board of Finance after thirty days will provide for efficiencies in Town operations by avoiding delays in projects caused by the Board of Finance's failure to act. By way of example, the existing Charter provides that the Board of Finance *shall act* on all requests for special appropriations or transfers of unexpended funds within 30 days of receipt but does not provide a remedy if the Board of Finance chooses not to act or excludes it from the agenda entirely.

CHARGE 8. Consider the possible amendment of Section 6.3 to provide that projects funded entirely by grants from the State of Connecticut which do not

require an appropriation of town funds need not be approved by the Board of Finance or a Town Meeting.

RECOMMENDATION

The CRC recommends the addition of a new Section 6.3.4 to the Charter providing that those projects funded entirely by State, Federal and private grants need not be approved by the Board of Finance or a Town Meeting. The proposed change provides that special appropriations for said grants do not need special town meeting approval other than in situations in which the acceptance of said grant has a future impact on the operating budget. An example of an instance when the acceptance of a grant **will** require town meeting approval "because of future impact on the operating budget" is if the town receives a grant to hire a police officer, that hire will increase the operating budget for the following year and therefore a special town meeting would be required.

RATIONALE

Historically, town meetings in East Lyme have been called to vote on appropriations of town funds. As projects funded solely with State, Federal or private grants do not include appropriations of town funds, it is consistent to add a new Charter section as recommended.

CHARGE 9. Consider the possible amendment of Section 6.3.1 to provide that the current dollar threshold of \$10,000 for special town meetings be raised.

RECOMMENDATION

The CRC recommends that the threshold for expenditures requiring town meeting approval in Section 6.3.1 be increased from \$10,000 to \$100,000 as follows:

"The Board of Selectmen, when requested by any town department and after approval by the Board of Finance, may make special appropriations from cash surplus or any approved contingency fund in amounts not to exceed an aggregate amount of one hundred thousand dollars per town department in each fiscal year. Any funds approved by town meeting shall not be included in the aggregate limit for the fiscal year."

The Commission also recommends that Sections 3.3.1.5 and 7.7 regarding thresholds requiring town meeting approval for the purchaser and sale of real estate be raised to \$100,000.00. This recommendation appears in Section II, B -3 on Page 9 herein.

RATIONALE

The increase in these expenditure thresholds provides for efficiency in Town operations and cost savings by reducing the need for town meeting approval of certain appropriations. Approval by the Board of Finance is still required in all instances.

CHARGE 10. Consider the possible addition of an appointive "Operations Officer" to assist the First Selectman in the performance of his or her administrative duties.

RECOMMENDATION

The CRC does not recommend this revision.

RATIONALE

An Operations Officer or a similar position should be a hired position with decision-making done by the First Selectman and should not be included in the Charter. The CRC believes there is value in creating this role but the First Selectman should decide whether to establish this position for his administration, and the position should not have a set term of office.

CHARGE 11. Consider the possible amendment of Section 3.4.3 to eliminate newspaper publication when allowed by law and substitute electronic and website notice.

RECOMMENDATION

The CRC recommends amendment of all Charter references to publication requirements, to instead provide that publication shall be "as required by law" and shall include publication on the Town's website. In addition to Section 3.4.3, this revision would also apply to Sections 3.4.2, 6.1.5 and 7.3.

RATIONALE

Connecticut law still contains newspaper publication requirements, so the Charter publication requirements cannot be amended in a manner that would violate current law. However, the Town will want to take immediate advantage of any future law that eases the cost of publication burden on the Town. By providing that the Town will comply with all applicable statutory publication requirements, a change in the law regarding newspaper publication would not necessitate a Charter revision to eliminate newspaper publication. Instead, the Charter would provide immediate relief from those requirements. Paper copies will remain available in Town Hall as is the current practice. By way of example, in accordance with current law, the Town must publish an entire copy of a new or amended Ordinance before it takes effect. Current Ordinance Section 95-20 regarding underground storage of hazardous substances is six typewritten pages and simply to amend in accordance with the existing Charter it will cost many thousands of dollars to publish.

CHARGE 12. Consider the possible amendment of Section 2.5.4 to provide that an appointee to a vacancy in an elective office shall serve the remainder of the term that was filled.

RECOMMENDATION

The CRC recommends that, except as otherwise required by law or the Charter, an appointee to an elective office vacancy will serve for the remainder of the term filled.

RATIONALE

The CRC made this recommendation for the following reasons:

- This change would make East Lyme more consistent with other towns and prevent confusion at election time when a vacancy has been filled.
- It may attract more qualified candidates as they won't immediately face reelection.
- It is being recommended to towns by the Secretary of State.

CHARGE 13. Consider reinstating the Conservation Commission which will be comprised of members from both the Inland Wetlands Agency and the Commission for the Conservation of Natural Resources.

RECOMMENDATION

The CRC does not recommend the reinstatement of the Conservation Commission.

RATIONALE

The CRC's decision is based on the feedback of the Charter Revision Subcommittee on commissions that the Commission for the Conservation of Natural Resources ("CCNR") tends to be ignored and has little impact on land use decisions including the town's Aquifer Protection Agency. The CRC believes that issues can be resolved without changing the commissions and agencies by undertaking the following:

- The Inland Wetland Agency ("IWA") regulates all activities that may have an impact on a wetland or watercourse. IWA can and should accept recommendations and referrals from the CCNR. As is done with the planning and zoning commissions, a representative from each commission/agency can attend each other's meeting and report back to their respective commission. The CRC believes this will help alleviate some of the issues.
- The Aquifer Protection Agency should accept referrals from the CCNR. It is recommended that the Aquifer Protection Agency consider adding language to its by-laws to notify and request feedback from the CCNR should a policy change be considered. This is the same process that the planning and zoning commissions practice.
- Additional items to be considered: As open space acquisition recommendations are a primary duty of the CCNR, the CCNR should consider amending its by-laws to include taking a more active role in identifying land acquisition opportunities before the land is listed for sale publicly or is purchased by developers.

B. OTHER SUBSTANTIVE REVISIONS RECOMMENDED BY CRC

1 – In addition to increasing the threshold addressed in Charge 9, and for the reasons set forth with respect to Charge 9, the CRC recommends that the thresholds for purchasing and selling real estate without town meeting approval as set forth in Sections 3.3.1.5 and 7.7 be increased from \$10,000 to \$100,000.

2 – To ensure that the Charter is reviewed periodically and updated as necessary, the CRC recommends that Section 8.4 be revised to provide that the Charter may be amended at any time pursuant to the statutory framework, future amendments shall

include a revision record of adopted changes, and that the Board of Selectmen must consider whether to appoint a Charter Revisions Commission at least once every 10 years commencing in 2033.

SECTION II – PROPOSED NON-SUBSTANTIVE REVISIONS

1 – New Section: 1.6 entitled “Nomenclature Regarding Gender Neutral Terms”

The Commission had long discussions and voted to transition to gender neutral terms in the Town Charter, including changing the name of the “Board of Selectmen” to “Select Board” as some Town’s in Massachusetts have done. Thereafter, Town Counsel advised the Commission that “Board of Selectmen” is a legal term in Connecticut state statutes and the Charter Commission cannot make the change until the State legislature allows. Town Counsel researched the few other Connecticut Town’s which incorporated gender neutral terms in recently adopted Town Charters and advised that until such time as the state statute changes, it is prudent the Commission amend the Charter to add Section 1.6 entitled “Nomenclature Regarding Gender Neutral Terms.” In this way, when permitted, the change may not require another Charter Revision Commission. The Commission regrets that it could not make the desired changes to this very important issue at this time.

2 – Effect of Charter: Existing Law and Ordinances

Section 1.4 is revised to the add, “The purpose of this Charter is to advance the effectiveness and efficiency of Town governance.”

3 – In addition to increasing the threshold addressed in Charge 9, and for the reasons set forth with respect to Charge 9, the CRC recommends that the thresholds for purchasing and selling real estate without town meeting approval as set forth in Sections 3.3.1.5 and 7.7 be increased from \$10,000 to \$100,000.

4 – Bureau of Assessment Appeals

Section 2.5.2 substitutes “Board of Assessment Appeals” for “Board of Tax Review” to reflect the current name of the Board; same change in Sections 8.2.6 and 8.2.7

5 – Assessor authority to settle certain appeals

Section 3.3.1.3 memorializes the long-standing town practice of authorizing the Assessor to settle tax assessment appeals resulting in payment by the town of less than \$40,000.

6 – Appointed and Elected boards and officers

Section 4.5.1, related to the oversight duties of the Parks and Recreation Commission, is deleted as it was replaced by Ordinance Section 96. (Ord. effective 6-19-1971; Ord. passed 12-21-2005; Ord. passed 4-20-2017.)

7 – Abolished/Reorganized appointive and hired positions

Section 4.5.2 is revised to delete the abolished Flood and Erosion Control Board, Economic Development Commission, and Redevelopment Agency.

8 – Section 4.5.3 is deleted and replaced by a new 4.5.3 to reflect existing Charter residency requirements for Appointed Boards and Commissions. The Committee on the Care of Graves and Cemeteries is abolished. The Town Building Committee reference is moved to new Section 4.5.2 with other appointive board and commission references.

9 – Section 4.6.1 is revised to reflect the removal of references to appointive officer positions that have been abolished or merged out of existence (constables, special constables, dog warden) or become hired positions (Assessor, Fire Marshal). Tree Warden, Director of Emergency Management and Building Official are the only current appointive officers of the Town.

10 – Section 5.1 is revised to remove the 4-year term reference for Administrative Officers. Town Counsel and Moderator are the only remaining revised appointed Administrative Officers. Terms are listed with description – in revised Section 5.2 and 5.3, respectively.

11 – Sections 5.3, 5.4, 5.6 and 5.7 are revised to eliminate the position of Director of Health, which has become part of Ledge Light Health District, and to move positions that are hired and not appointed to Section 5.4, entitled "Other Administrative Officers".

12 – Section 5.4 – Other Administrative Officers - is revised to reflect that hired officers will include but not limited to the Assessor, Town Clerk, Tax Collector and Fire Marshal. These positions do not have a set term of office. It also provides that the current elected Town Clerk and Tax Collector shall serve the balance of their current terms unless a vacancy occurs sooner.

13 – Due Date for Taxes

6.2.2. is revised to reflect that the due date for taxes is July 1 (not July 15)

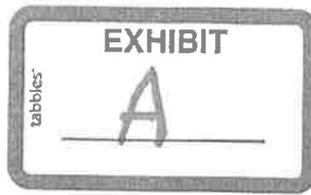
14 – Transition

The following obsolete sections should be deleted from the Transition section to avoid confusion: 8.2.3, 8.2.4, 8.2.15, 8.2.17, 8.2.18, 8.2.19, 8.2.20, 8.2.21

Global clean-up

Renumbering of sections and subsections was undertaken to reflect the changes otherwise noted herein.

Prior amendment dates in the body of the Charter have been removed to avoid confusion.



CHARTER OF THE TOWN OF EAST LYME

Sec. 1.4 affects some of these ordinances and resolutions: Special acts and ordinances or portions thereof inconsistent with this charter and superseded by it shall have no further force or effect after the effective date of this charter.

Revised 2016

CHAPTER 1 - INCORPORATION AND GENERAL POWERS

Section

- 1.1 Incorporation
- 1.2 Rights and Obligations
- 1.3 General Grant of Powers
- 1.4 Effect of Charter; Existing Laws and Ordinances
- 1.5 Definitions

1.1 Incorporation

All of the inhabitants dwelling within the territorial limits of the Town of East Lyme, as said limits now are or may hereafter be constituted by law, shall continue to be a body politic and corporate under the name of "Town of East Lyme," hereinafter called "the town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore vested in said town and not inconsistent with the provisions of this charter, the additional powers and privileges herein conferred and all powers and privileges presently or hereafter conferred upon towns under the general laws of the State of Connecticut.

1.2. Rights and Obligations

All property interest, both real and personal, all actions, rights and causes of action and rights of every description and all securities and liens vested or inchoate which the town possesses as of the effective date of this charter shall be continued in said town. The town shall continue to be liable for all debts and obligations of every kind for which the town shall be liable on said date. Nothing herein shall be construed to affect the right of the town to collect any assessments, charge, debt or lien. 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 commission, board, department or officer 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 commission, board, department or officer shall, except as otherwise provided in this charter, thereafter be exercised and discharged by the board of selectmen of said town.

1.3. General Grant of Powers

In addition to all powers granted to the town under the constitution and general statutes, the town shall have all powers granted by this charter, all powers fairly implied in or incident to the powers expressly granted and all other powers incident to the management, government, and affairs of the town, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political subdivision, agency or instrumentality thereof for purposes not prohibited by law. The enumeration of specific powers in this and any other chapter of this charter shall not be construed as limiting this general grant of powers but shall be considered as in addition thereto.

1.4. Effect of Charter: Existing Laws and Ordinances

The purpose of this Charter is to advance the effectiveness and efficiency of Town Governance. This charter shall be the organic law of the town in the administration of its local affairs. Special acts and ordinances or portions thereof inconsistent with this charter and superseded by it shall have no further force or effect after the effective date of this charter. Other special acts affecting the town, and all other ordinances and resolutions duly adopted and in force before the effective date of this charter, remain in force.

1.5. Definitions

1.5.1. The term "board" or "boards" as used in this charter shall be deemed to include all boards, commissions, agencies and committees, except as otherwise specified.

1.5.2. The terms "prescribed by law" and "provided by law" as used in this charter shall be deemed to mean prescribed or provided by the general statutes, by charter, and by ordinance.

1.5.3. The term "enact" or "enactment" as used in Chapter 3 of this charter shall be deemed to include the adoption, amendment or repeal of an ordinance.

1.5.4. The term "department" as used in Section 6.3. of this charter shall be deemed to mean each board, commission, committee and agency of the town for which an appropriation was made in the annual budget; each official who is not a member of a board, commission, committee or agency for whom an appropriation was made in the annual budget; each separate function of the town for which the Board of Selectmen is responsible.

1.6. Nomenclature Regarding Gender Neutral Terms

Consistent with Section 1-1 (x) of the Connecticut General Statutes, whenever a title denoting a gender is applied to an individual, the title may suit the gender of the individual. Individual members of the Board of Selectmen may choose to be called a Selectman, Selectwoman, or Selectperson; or other terms as appropriate and voted on by that Board. For members of other boards, commissions, committees, and agencies, the members thereof shall be known as members or commissioners, and the chair thereof may choose to be called a chairman, chairwoman, chairperson, chair; or other terms as appropriate and voted on by that board, commission, committee, or agency.

Consistent with Section 1-1 (g) of the Connecticut General Statutes, throughout this Charter whenever the context so requires, all pronouns shall encompass all genders and designations. Words importing the masculine gender may be applied to individuals of any gender expression or identity, and words importing the feminine gender may be applied to individuals of any gender expression or identity. Any singular pronoun shall include the plural, and the plural the singular.

If the State of Connecticut, through a legislative act, alters existing gendered language in the General Statutes, including but not limited to Section 7-193 of the Connecticut General Statutes, and permits such language changes in local charters, the Charter shall be revised accordingly. However, no such change shall alter the power or authority of any board, commission, committee or public official unless such structural and functional changes are also included in the change.

CHAPTER 2 - ELECTIONS AND ELECTIVE OFFICERS

Section

- 2.1 Town Elections
- 2.2 Voting Districts
- 2.3 Eligibility
- 2.4 Minority Representation
- 2.5 Vacancies in Elective Offices
- 2.6 Records
- 2.7 Two-Year Term Offices
- 2.8 Four-Year Term Offices; Organization; Compensation
- 2.9 Board of Education
- 2.10 Board of Finance
- 2.11 Planning Commission

2.12 Zoning Commission

2.13 Board of Assessment Appeals

2.14 Additional Elective Boards and Commissions

2.15 Alternate Members of the Planning Commission

2.16 Alternate Members of the Zoning Commission

2.1. Town Elections

2.1.1. A meeting of the electors of the Town of East Lyme, hereafter called "the regular town election", shall take place on the Tuesday following the first Monday in November, 1965 and biennially thereafter. Special town elections may be called from time to time in accordance with the general statutes.

2.1.2. All elective town officers shall take office on the first Monday of December next succeeding their election and they shall continue in office until their successors have been chosen and have qualified.

2.2. Voting Districts

The number of voting districts in the town shall be as determined by the legislative body as provided by law.

2.3. Eligibility

No person who is not at the time of his election a resident elector of the Town of East Lyme shall be eligible for election to any town office, and any person ceasing to be a resident elector of the town shall thereupon cease to hold elective office in the town and the office shall be deemed vacant. All elective officers shall be sworn before taking office and the officer administering the oath shall record such fact in the office of the town clerk.

2.4. Minority Representation

Membership on all boards provided for by this chapter shall be determined in accordance with the minority representation law as set forth in the general statutes.

2.5. Vacancies in Elective Offices

2.5.1. The Board of Selectmen shall fill by appointment a vacancy in an elective office within thirty days from the time that the office becomes vacant, except as otherwise provided by law.

2.5.2. A vacancy occurring on the Board of Education, Board of Finance, Planning Commission, Zoning Commission and Board of ~~Tax Review~~Assessment Appeals shall be filled by vote of the remaining members, including alternate members duly seated as provided by ordinance; but if the vacancy is not filled within thirty days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy by appointment within thirty days thereafter.

2.5.3. Vacancies on the Board of Selectmen shall be filled in the manner prescribed by the general statutes.

2.5.4. ~~Except as otherwise provided in this Chapter 2.5, a~~An appointee to a vacancy in an elective office shall serve until a successor elected at a special election or at the next regular town election ~~qualifies the remainder of the term that was filled.~~ A person elected at either a special or regular town election to fill an unexpired term shall serve the remainder of the term.

2.5.5. A vacancy occurring among the alternate members of the Planning Commission or the Zoning Commission shall be filled until the next special election or regular Town election by vote of the members of that Commission including any alternate members then serving for absent or disqualified commissioners; but if the vacancy is not filled within thirty days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy by appointment within thirty days thereafter.

(As amended 12/2/04)

2.6. Records

Copies of all minutes taken by each board and the recorded vote of each member thereof on all issues shall be filed with the Town Clerk and with the First Selectman within fourteen days of the date on which such actions are taken. The Town Clerk shall maintain files of such minutes, which shall be public records.

2.7. Two-Year Term Offices

~~2.7.1. At each regular town election there shall be elected a Board of Selectmen, consisting of the First Selectman and five Selectmen. No more than four members of such Board of Selectmen may be members of the same political party. The votes cast for the unsuccessful candidate for First Selectman shall not be counted as votes for him as a member of the Board of Selectmen. These officers shall serve terms of two years and shall have the powers and duties prescribed by law.~~

(As amended 12/2/04) Board of Selectmen

The Board of Selectmen shall consist of a First Selectman and five Selectmen. At the next regular municipal election, in November 2025, a First Selectman and two other Selectmen shall be elected to serve terms of four years, and three other Selectmen shall be elected to serve terms of two years. At all subsequent municipal elections, the term of the office of First Selectman and the term of the office of the other Selectmen shall be four years. The votes cast, including any valid write-in votes, for an unsuccessful candidate for First Selectman, shall not be counted as votes for that person as one of the other Selectmen. For purposes of determining minority representation only, the First Selectman shall be counted as a member of the Board.

2.8. Four-Year Term Offices: Organization: Compensation

2.8.1. At the regular town election in November of 1965 and quadrennially thereafter, there a ~~Treasurer~~ shall be elected a Town Clerk, a Tax Collector, and a Treasurer. The Treasurer shall also exercise the function of the agent of the town deposit fund. The ~~Treasurer~~ officers shall serve terms of four years and shall have the powers and duties prescribed by law.

2.8.2. Following the transition period of each board, there shall be elected at each biennial town election for terms of four years, one-half of each board authorized by Sections 2.9 through 2.12 inclusive, of this charter. Alternate members of the Planning and Zoning Commissions shall be elected biennially in a ratio of one-third and two-thirds of the members, respectively.

(As amended 12/2/04)

2.8.3. Except as otherwise provided in this charter, all boards authorized in this chapter shall meet within thirty days of taking office and shall make regulations for the conduct of their meetings and the execution of their duties. Such regulations and any amendments thereto shall be filed with the Town Clerk, and shall be public records.

2.8.4. The members of the boards named in Sections 2.9 through 2.12 inclusive of this charter, shall serve without compensation except that necessary expenses incurred in the performance of their duties shall be paid from an appropriation for that purpose.

2.8.5. At the regular election in November of 1990 and quadrennially thereafter, there shall be elected such number of Registrars of Voters as may be required by the General Statutes, and such number of Justices of the Peace as may be required by Ordinance, or in the absence of an applicable Ordinance, by the General Statutes.

2.9. Board of Education

The Board of Education shall consist of ten members serving four year terms. Such Board shall have the powers and duties prescribed by law.

2.10. Board of Finance

The Board of Finance shall consist of six members serving four year terms. Such Board shall have the powers and duties prescribed by law.

2.11 Planning Commission

The Planning Commission shall consist of six members serving four year terms. Such Commission shall have the powers and duties prescribed by law.

2.12 Zoning Commission

The Zoning Commission shall consist of six members serving four year terms. Such Commission shall have the powers and duties prescribed by law.

2.13 Board of Assessment Appeals

The Board of Assessment Appeals shall consist of five members serving four year terms to be elected in accordance with the transition process described in section 8.2.7-9.1. Such Board shall have the powers and duties prescribed by law.

2.14 Additional Elective Boards and Commissions

The Board of Selectmen may, by ordinance, create additional boards and shall specify their powers and duties in such ordinance.

2.15 Alternate members of the Planning Commission

Three alternate members of the Planning Commission shall be elected to serve four year terms. Such members shall have the powers and duties prescribed by law.

{As amended 12/2/04}

2.16 Alternate members of the Zoning Commission

Three alternate members of the Zoning Commission shall be elected to serve four year terms. Such alternate members shall not be members of the Zoning Board of Appeals or Planning Commission. Such members shall have the powers and duties prescribed by law.

(As amended 12/2/04)

CHAPTER 3 - BOARD OF SELECTMEN

Section

- 3.1 Compensation; Other Office-Holding
- 3.2 First Selectman
- 3.3 Board of Selectmen; General Powers, Duties and Procedures
- 3.4 Enactment of Ordinances

3.1. Compensation: Other Office-Holding

3.1.1. There shall be a Board of Selectmen consisting of the First Selectman and five Selectmen. The compensation of the First Selectman shall be included in the proposed budget of the Board of Selectmen. Any compensation for the five Selectmen shall be included in the proposed budget of the Board of Selectmen. Necessary expenses incurred in the performance of the duties of the First Selectman and the five Selectmen shall be paid from an appropriation for that purpose.

3.1.2. The First Selectman, during his term of office, shall not hold any civil office which provides compensation, under the government of the United States, the State of Connecticut, or any subdivision thereof, except that of Notary Public.

3.1.3. No member of the Board of Selectmen, during his term of office, shall hold or be appointed to any other office or employment in the government of the town, except as provided hereinafter, and except as may be prescribed by law.

3.2. First Selectman

3.2.1. The First Selectman shall be the chief executive and administrative officer of the town and shall have the powers and duties of First Selectman prescribed by law. He shall be the official head of the town for all ceremonial purposes, for military purposes and for the purpose of receiving civil process. He shall establish and be responsible for the administrative and personnel policies for town offices and employees, with the approval of the Board of Selectmen, and shall execute or cause to be executed the town ordinances, regulations, resolutions and policies voted by the Board of Selectmen. The First Selectman, with the approval of the Board of Selectmen, shall generally supervise the administration of the affairs of the town, except those matters which by the general statutes, by charter, or by ordinance, are exclusively committed to the Board of Education or other boards. He shall preside over meetings of the Board of Selectmen.

3.2.2. Within thirty days after the Board of Selectmen takes office, the First Selectman shall designate each of the other members of the Board of Selectmen as an ex-officio member without vote, of one or more of the town boards. The ex-officio members shall regularly attend the meetings of the boards to which they have been appointed and shall report to such boards and to the Board of Selectmen matters relating to the mutual interests of such bodies.

3.2.3. The First Selectman shall hire and dismiss employees of the town, except employees of the Board of Education and except employees whose employment is otherwise provided by law, and shall give notice of each hiring or dismissal to the Board of Selectmen at its next meeting. Such hiring or dismissal may be overruled only by a majority vote of the Board of Selectmen at its next meeting following such notification.

3.2.4. The First Selectman shall have responsibility for the care, maintenance and operation of all buildings, lands, apparatus and property which are subject to the control of the Board of Selectmen.

3.3. Board of Selectmen, General Powers, Duties and Procedures

3.3.1. The Board of Selectmen shall have the sole power, subject to the requirements of the general statutes and of this charter:

3.3.1.1. to incur indebtedness in the name of the town and to provide for the due execution of contracts and evidences of indebtedness issued by the town;

3.3.1.2. to accept or abandon as a public highway any street or highway situated in the town after approval by the Planning Commission;

3.3.1.3. to institute, prosecute, defend or compromise any legal action or proceeding by or against the town; provided that the assessor is authorized to settle tax assessment appeals resulting in a payment of \$40,000 or less.

3.3.1.4. to enter into contracts for any services and to purchase or to contract to purchase any supplies, materials, equipment and other commodities required by any town agency, except the Board of Finance and except the Board of Education. However, the Board of Education may request the Board of Selectmen to act for it in the making of such contracts and purchases; and the Board of Selectmen may delegate its powers in this Section 3.3.1.4. to any town agency or to the First Selectman;

3.3.1.5. with Board of Finance approval, to purchase real estate, the price of which shall not exceed ten-one hundred thousand dollars and accept gifts of real estate;

3.3.2. The Board of Selectmen shall have such other powers and duties as are provided for board of selectmen by the general statutes and this charter. The Board of Selectmen shall be the legislative body of the town except as otherwise provided by this charter and may exercise any of the powers conferred on towns by the General Statutes to the extent that such powers are not otherwise granted or limited by this charter.

3.3.3. The Board of Selectmen shall be responsible for coordinating the activities of all the agencies of the town, and for keeping under review the present and future needs of the town. It shall require such reports and joint meetings as may be useful to it in the performance of its duties.

3.3.4. At the first meeting after the Board of Selectmen takes office, a majority of the members shall designate one of their number who shall, until any vacancy is filled in accordance with the general statutes, upon the absence or disability of the First Selectman, preside at meetings of the Board of Selectmen and have such powers and perform such other duties of an absent or disabled First Selectman as the Board of Selectmen may designate by regulation.

3.3.5. The Board of Selectmen shall retain for six years from the time of filing, all minutes and records of the boards which are filed with the Board of Selectmen.

3.3.6. A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business. The Board of Selectmen shall make regulations for the conduct of its meetings and for the execution of its duties, and shall hold regular meetings. Such regulations shall be filed with the Town Clerk and shall be public records.

3.3.7. The Board of Selectmen may, by resolution, delegate to the First Selectman, its obligation to sign the orders of the Board of Selectmen on the Town Treasurer for payment of the expenses of the town. Such delegation may be limited in such manner as the Board of Selectmen may deem advisable.

3.4. Enactment of Ordinances

3.4.1. The Board of Selectmen shall have the power to enact ordinances consistent with the General Statutes and this charter on any matter which the General Statutes or this charter permit to be regulated by ordinance, and in general for the preservation of the order, health, welfare and safety of the town and its inhabitants.

3.4.2. At least one public hearing shall be held by the Board of Selectmen before enacting any proposed ordinance. Notice of a hearing shall be given by ~~publication of~~ posting the proposed ordinance and of the time and place of the hearing ~~in a newspaper having a general circulation in the town~~ on the Town's website, not less than ten days before the date of such hearing.

3.4.3. Upon enactment of an ordinance, notice thereof shall be given by ~~publication in accordance with the law~~ of the official title of the ordinance and its effective date ~~in a newspaper having a general circulation in the town~~, and by ~~publishing on the Town's website~~ and filing with the Town Clerk. Such ordinance shall not become effective sooner than ten days after publication. If, within ten days after such publication, petitions are filed with the clerk carrying the signatures and street addresses of two hundred or more electors requesting a town meeting to act upon overrule of such ordinance, the effective date of such ordinance shall be suspended until such action to overrule is resolved. If such petitions are so filed and verified by the Town Clerk, the Board of Selectmen shall call a

Commented [CMC1]: CGS Section 7-157 provides that the effective date of an ordinance enactment be published in a newspaper. This section has been modified to say notice shall be given "in accordance with the law" and publication on the Town's website to reflect an anticipated change to the current statute.

special town meeting to be held within twenty days after the date of receipt by the Town Clerk of such petitions, by publication of notice of the time and place of such special town meeting and the full text of such ordinance in a newspaper having a general circulation in the town, not less than five days before the date of such special town meeting. Two hundred electors shall constitute a quorum at such special town meeting, and such ordinance shall be overruled, void and of no effect if a majority of the electors voting at such special town meeting, or if a quorum is present and a majority of the electors present does not vote to overrule such ordinance, such ordinance shall become effective upon publication of the official title of such ordinance in a newspaper having a general circulation in the town.

3.4.4. Wherever publication is required by this section, such publication shall be the responsibility of the First Selectman.

CHAPTER 4 - APPOINTIVE BOARDS AND OFFICERS

Section

- 4.1 Appointments
- 4.2 Terms
- 4.3 Minority Representation
- 4.4 General Powers and Procedures; Records, Compensation
- 4.5 Appointive Boards
- 4.6 Appointive Officers
- 4.7 Removal for Cause

4.1. Appointments

4.1.1. The Board of Selectmen, within thirty days of taking office shall appoint, as required in Sections 4.2 and 4.3 of this charter, unless otherwise provided by ordinance, the members of all boards and all officers authorized by this chapter. During the last sixty days of their term, the Board of Selectmen may only make appointments to expire on the first Monday of January next succeeding.

4.1.2. Except as provided by law, no person who is not at the time of his appointment a resident elector of the Town of East Lyme shall be eligible for appointment to any town office, under this chapter and any person ceasing to be a resident elector of the town shall thereupon cease to hold appointive office in the town and the office shall be deemed vacant. All appointive officers shall be sworn before taking office and the officer administering the oath shall record such fact in the office of the Town Clerk.

4.2. Terms

4.2.1. The terms of appointment to any board shall be four years, commencing the first Monday of January in the even-numbered years and shall expire at staggered biennial intervals.

~~4.2.2. The terms and appointment and qualifications for constables shall be determined by ordinance. The Board of Selectmen may appoint such number of special constables as it deems necessary, in accordance with the General Statutes.~~

Commented [CMC2]: Charge #6 not substantive

4.2.23. Any appointment to the office of Town Director of Emergency Management for the Town of East Lyme shall be for a term of four years.

~~4.2.34.~~ 4.2.34. The terms of appointment of all other officers shall be four years, unless otherwise specified, commencing the first Monday of January, 1966 and quadrennially thereafter.

4.2.45. Any vacancy shall be filled within thirty days by the Board of Selectmen for the unexpired term, unless otherwise provided by ordinance.

4.3. Minority Representation

Membership on all boards named in section 4.5.2. of this charter shall be determined in accordance with the minority representation law as set forth in the general statutes.

4.4. General Powers and Procedures: Records: Compensation

4.4.1. All boards and officers shall have the powers and duties prescribed by law.

4.4.2. All boards shall make regulations for the conduct of their meetings and the execution of their duties. Such regulations and any amendments thereto shall be filed with the Town Clerk and shall be public records.

4.4.3. Copies of all minutes taken by each board and the recorded vote of each member thereof on all issues shall be filed with the Town Clerk and with the First Selectman within fourteen days of the date on which such actions are taken. The Town Clerk shall maintain files of such minutes, which shall be public records.

4.4.4. Board members shall serve without compensation except that necessary expenses incurred in the performance of their duties shall be paid from an appropriation for that purpose. The compensation of individual officers shall be determined by the Board of Selectmen, subject to the provisions of necessary appropriation. The compensation of officers on fee basis shall be determined by the Board of Selectmen in the absence of provision by the General Statutes.

4.5. Appointive Boards and Commissions

4.5.1. Effective on the first Monday of January, 1966, there is constituted a seven member Parks and Recreation Commission which shall assume all powers, duties and obligations of the McCook Point Park Commission, also known as the Town Park Commission, and the Veterans Memorial Park Committee. Effective on said date, the McCook Point Park Commission and the Veterans Memorial Park Committee are abolished.

Commented [CMC3]: See Ordinance Section 96.

4.5.2. The Board of Selectmen shall appoint members to the boards and commissions as follows:

- Zoning Board of Appeals, five members;
- Alternate Zoning Board of Appeals, three members;
- Water and Sewer Commission, eight members;
- ~~Flood and Erosion Control Board, five members;~~
- Parks and Recreation Commission, seven members;
- Economic Development Commission, seven members;
- ~~Redevelopment Agency, five members;~~
- Building Code Board of Appeals, five members;
- Town Building Committee, seven members.

Commented [CMC4]: Abolished

Commented [CMC5]: Abolished

4.5.3. ~~The following committees as presently constituted shall continue as agencies of the town. Except as provided by law, no person who is not at the time of their appointment a resident elector of the Town of East Lyme shall be eligible for appointment to any town board or commission and any person ceasing to be a resident elector of the town shall cease to hold such office and the office shall be deemed vacant.~~

~~Town Building Committee~~

Commented [CMC6]: Moved to 4.5.2

~~Committee on the Care of Graves and Cemeteries~~

Commented [CMC7]: Abolished

4.5.24. The Board of Selectmen may, by ordinance, create boards and specify their powers and duties. The Board of Selectmen may, by ordinance, abolish or consolidate boards and may likewise by ordinance, alter their powers and duties and change their membership.

4.6. Appointive Officers

4.6.1. The Board of Selectmen shall provide for the appointment of the following officers: Tree Warden, Town Director of Emergency Management and Building Official.

Commented [CMC8]: CGS Section 29-260 requires the building official be appointed for a term of four years.

~~Constables~~

~~Special Constables (as required)~~

~~Dog Warden~~

~~Tree Warden~~

~~Town Director of Emergency Management~~

Commented [CMC9]: abolished

Commented [CMC10]: abolished

Commented [CMC11]: abolished

Commented [CMC12]: Moved above to body of sentence

Commented [CMC13]: Moved above to body of sentence

4.6.2. The Board of Selectmen shall appoint such other officers as are required by law and may appoint such other officers as are or may be permitted by law, subject to the provision of necessary appropriation.

4.7. Removal for Cause

4.7.1. ~~Except as required by law,~~ An appointed officer or a member of an appointive board may be removed only for cause by the Board of Selectmen.

4.7.2. ~~Except as required by law,~~ No such removal for cause shall be effected unless the officer or member has received a statement in writing of the reasons why he should be removed. This statement shall be prepared by the Board of Selectmen. Not less than fifteen days after the delivery of the statement of reasons, an opportunity for a public hearing before the Board of Selectmen must be provided at which time the appointed officer or member may appear with counsel.

CHAPTER 5 - ADMINISTRATIVE OFFICERS, AGENCIES AND EMPLOYEES

Section

5.1 Terms and Compensation

5.2 Town Counsel

~~5.3 Assessor~~

~~5.4 Director of Health~~

~~5.5 Building Official~~

~~5.6 Building Inspector~~

~~5.7 Fire Marshal~~

5.30 Town Meeting Moderator

5.49 Other Administrative Officers

Commented [CMC14]: Hired-not appointed

Commented [CMC15]: Now Ledge Light Health District

Commented [CMC16]: Hired - not appointed. Moved to 4.6.1 per CGS Section 29-260

Commented [CMC17]: Hired-not appointed

Commented [CMC18]: Hired-not appointed

5.1. Terms and Compensation

All administrative officers, unless otherwise provided in this charter, shall hold office for a term of four years commencing on the first Monday of January in the even numbered years. Their compensation shall not be diminished during their term of office.

5.2. Town Counsel

The Board of Selectmen shall appoint town counsel to a term of four years to furnish such legal services to the town and its agencies as the Board of Selectmen may authorize.

5.3. Assessor

~~The Board of Selectmen shall appoint for a four year term, commencing on the first Monday in October of an even-numbered year, an assessor who shall have the qualifications, powers and duties prescribed for assessor by the General Statutes, by special act and by ordinance.~~

Commented [CMC19]: The Assessor is a hired position.

5.4. Director of Health

~~The Board of Selectmen shall appoint a Director of Health for a term of four years, who shall have the powers and duties prescribed by law or alternatively the Board of Selectmen may vote to join a District Department of Health as authorized by the Connecticut General Statutes.~~

Commented [CMC20]: Pursuant to State Statute the ROS has voted to join the Ledge Light Health District.

5.5. Building Official

~~The Board of Selectmen shall appoint a Building Official for a term of four years, who shall have the powers and duties prescribed by law.~~

Commented [CMC21]: See CGS Section 27-260, this position moved to 4.6. Building Official must be appointed to a four year term.

5.6. Building Inspector

~~The Board of Selectmen shall appoint a Building Inspector for a term of four years, who shall have the powers and duties prescribed by law.~~

Commented [CMC22]: Building Official and Building Inspector are the same position

5.7. Fire Marshal

~~The Board of Selectmen shall appoint for a term of four years, a Fire Marshal and may appoint for the same term, Deputy Fire Marshals. They shall have the powers and duties prescribed by law.~~

Commented [CMC23]: The Fire Marshal and Deputy Fire Marshal are hired positions.

5.38. Town Meeting Moderator

The Board of Selectmen shall appoint for a term of two years, a Town Meeting Moderator and a Deputy Town Meeting Moderator who shall have the powers and duties prescribed by law. Said appointees shall not be of the same political party. The Town Moderator and Deputy Town Moderator shall, at the time of their appointment, be a resident elector of the Town of East Lyme and in the event they cease to be a town elector, they shall cease to hold the office and the office shall be deemed vacant.

5.49. Other Administrative Officers

The Board of Selectmen shall ~~appoint~~ have the authority to hire such other officers as are required and may ~~appoint~~ hire such other officers as are, or may be permitted by law, subject to the provisions of necessary appropriation. Such officers shall include but not be limited to the Assessor, Town Clerk, Tax Collector and Fire Marshal. Notwithstanding, the current elected Town Clerk and Tax Collector shall continue to serve the balance of their terms ending on December 1, 2025, unless a vacancy occurs sooner.

CHAPTER 6 - FINANCE AND TAXATION

Section

- 6.1 Preparation of the Budget
- 6.2 Laying and Collection of Taxes
- 6.3 Special Appropriation and Transfers of Appropriations
- 6.4 Accounting and Expenditures

6.1. Preparation of the Budget

6.1.1. At such time and in such manner as the Board of Selectmen may require, but not less than ninety (90) days prior to the annual town meeting, every agency and department supported wholly or in part by town revenues, or for which a specific appropriation is or may be made shall present to the Board of Selectmen an itemized estimate of the expenditures to be made by that agency or department and all the revenue, other than town appropriations, fees and contributions to be received by it during the ensuing fiscal year. The Board of Selectmen may direct that any of such agencies or departments furnish such additional reports and information as the Board of Selectmen deems advisable with respect to any of such estimates. The Board of Selectmen shall examine such estimates and such additional reports and information as shall be furnished by such agencies and departments. The Board of Selectmen, after considering the financial condition of the town and the appropriateness and amount of the proposed expenditures, may eliminate, reduce,

or increase any estimated expenditure of any agency or departments except the Board of Education.

6.1.2. At such time and in such manner as the Board of Finance may by regulation require, but not less than sixty (60) days prior to the annual town meeting, the Board of Selectmen shall present to the Board of Finance the itemized estimates of the expenditures to be made by the Board of Education and the revenue, other than town appropriations, fees and contributions to be received by the Board of Education, in the same form as said estimates were presented to the Board of Selectmen, together with such comments and recommendations as the Board of Selectmen deems advisable with respect to any of such estimates. At that time and in such manner as the Board of Finance may by regulation require, the Board of Selectmen shall also present to the Board of Finance the itemized estimates of the expenditures to be made by each agency and department except the Board of Education, as adjusted by the Board of Selectmen pursuant to Section 6.1.1. of this charter, and the revenue, other than town appropriations, fees and contributions to be received by each such agency and department.

6.1.3. The Board of Finance shall upon request afford each agency and department an opportunity for a hearing on the proposed budget of such agency or department, first giving notice to the Board of Selectmen with respect to the hearing on the proposed budget of each agency and department.

6.1.4. The Board of Finance shall hold one or more public hearings concerning the proposed town budget, one of such hearings to be held not less than fourteen (14) days before the annual town meeting, at which hearings any person qualified to vote at the annual town meeting shall have an opportunity to be heard. The Board of Finance may then revise the proposed town budget as it deems advisable, and it may, by a vote of two-thirds of its members, restore any itemized expenditures eliminated or reduced by the Board of Selectmen. The proposed town budget may include a contingency fund established in accordance with the general statutes and, an appropriation to any fund for capital and non-recurring expenditures which may be established in accordance with the general statutes, and may provide for the payment of any part of the debts of the town. The proposed town budget shall also include estimates of the revenue to the town from all sources for the ensuing year, including taxes to be raised on the last completed grand list. The Board of Finance shall present the budget to the annual town meeting.

6.1.5. The Board of Finance shall make available copies of ~~post~~ the proposed town budget in the office of the First Selectman ~~on the Town's website~~ not less than four (4) days before the public hearing. It shall, before the annual town meeting, publish the proposed town budget in a newspaper of general circulation in the town ~~accordance with law~~ and make available copies of the proposed town budget and any other reports prescribed by law.

6.1.6. The adoption of the annual town budget shall be in accordance with the provisions of Section 7.3. of this charter.

Commented [CMC24]: CGS requires that written copies of the town budget be made available.

6.2. Laying and Collection of Taxes

6.2.1. Within thirty (30) days after the Board of Assessment Appeals has completed its duties and the grand list has been completed, or within thirty (30) days after adoption of the town budget if a uniform fiscal year has been adopted by the town in accordance with the General Statutes, the Board of Finance shall meet and shall lay such tax on the last completed grand list as is required by the General Statutes.

6.2.2. The Tax Collector shall then collect the tax in accordance with the General Statutes. The due date shall be July 15th ~~1st~~ unless otherwise provided by the town in accordance with the General Statutes.

6.3. Special Appropriations and Transfers of Appropriations

6.3.1. The Board of Selectmen, when requested by any town department and after approval by the Board of Finance, may make special appropriations from cash surplus or any approved contingency fund in amounts not to exceed in the aggregate in any one fiscal year, ten per cent of the amount appropriated for such department in the current town budget or ten thousand dollars, whichever shall be less. ~~not to exceed an aggregate amount of one hundred thousand dollars per town department in each fiscal year. Any funds approved by town meeting shall not be included in the aggregate limit for the fiscal year.~~ The Board of Selectmen, when requested by any town department and after approval by the Board of Finance, may also transfer unexpended balances from one appropriation to another in accordance with the General Statutes. The Board of Education may transfer unexpended balances from one appropriation to another in accordance with the General Statutes.

6.3.2. Any request by any town department for a special appropriation which shall exceed the amount which the Board of Selectmen is empowered by Section 6.3.1. of this charter to appropriate for that department in any one fiscal year, shall be acted upon by town meeting after approval by the Board of Finance, which approval shall include the authority, by a two-thirds vote of all its members to restore any request eliminated or reduced by the Board of Selectmen pursuant to Section 6.3.54. of this charter.

6.3.3. Special appropriations other than those from cash surplus or any approved contingency fund may be acted upon only by a special town meeting after approval by the Board of Finance.

~~6.3.4. Projects which are funded entirely by grants from the State of Connecticut and which do not require an appropriation of town funds need not be approved by the Board of Finance or at a Town Meeting. Special appropriations for Federal, State and private grants do not need a special town meeting approval other than in situations in which the acceptance of such grant has a future impact on the operating budget. An example of an instance when the acceptance of grant will require town approval because of future impact on the operating budget is if the town receives a grant to hire a police officer, that hire will~~

increase the operating budget for the following year and therefore a special town meeting would be required.

6.3.54. All requests for special appropriations and transfers of unexpended funds shall be made in writing to the Board of Selectmen. The Board of Selectmen shall, within ten (10) days after receipt thereof, forward such requests together with such comments and recommendations as the Board of Selectmen deems advisable, to the Board of Finance; provided, however, that with respect to requests from departments other than the Board of Education, the Board of Selectmen may, after considering the financial condition of the town and the appropriateness and amount of the request, eliminate, reduce or increase the amount of the request after prior notices to the department making the request and an opportunity for the department to submit such reports and information as it deems advisable, and for that purpose may delay for a reasonable time but not more than twenty (20) additional days the forwarding of the request to the Board of Finance. The Board of Finance shall act on all requests for special appropriations or transfers of unexpended funds within thirty (30) days after receipt thereof and shall immediately after acting advise the department making such request and the Board of Selectmen of its action. Failure to act within thirty (30) days will result in automatic approval. The Board of Selectmen shall act on such requests within ten (10) days after of the earlier of (i) notice of approval of such requests by the Board of Finance and (ii) expiration of thirty (30) days from the date of receipt by the Board of Finance; and shall immediately advise the department making such requests of its action.

6.3.65. The provisions of Section 6.3 of this charter shall not be a limitation on the power of the town to issue bonds or other obligations for appropriations or indebtedness in accordance with the general statutes and Section 7.5. of this charter. The Board of Finance shall recommend the methods for financing a capital expenditure.

6.4. Accounting and Expenditures

6.4.1. The fiscal year of the town shall begin on July 1st and end on June 30th. The fiscal year may be adjusted by town meeting action in accordance with the General Statutes.

6.4.2. The system of accounts used by the town agencies and departments shall be that prescribed by the General Statutes as supplemented by the regulations of the Board of Finance. All regulations of the Board of Finance shall be consistent with this charter and the powers and duties of other town agencies and departments, and shall be complied with by all town agencies and departments.

6.4.3. The Board of Finance shall provide for an annual audit of the books and accounts of the town as required by the General Statutes.

CHAPTER 7 - TOWN MEETING

Section

7.1 Annual and Special Town Meetings

7.2 Organization and Procedure

7.3 Annual Budget (Automatic Referendum)

7.4 Special Appropriations

7.5 Appropriations and Borrowing

7.6 Overrule of an Ordinance Enactment

7.7 Sale or Purchase of Real Estate

7.1. Annual and Special Town Meetings

7.1.1. The annual town meeting, which shall also be the annual budget meeting, shall be held on the second Monday in May. It may be adjourned from time to time, including to automatic referendum as set forth in Section 7.3 or the date may be changed by ordinance. Special meetings shall be called by the Board of Selectmen in the manner provided by the General Statutes whenever they deem it necessary, or on application by persons qualified to vote in town meetings, the number of such persons to be not less than two percent (2%) of the total electors of the town as determined from the official list of electors most recently filed with the Town Clerk by the Registrars of Voters.

7.1.2. The matters which the applicants for a special town meeting desire to be acted upon shall, if proper subjects for town meeting action, be put in proper form for the call of the meeting and for a town meeting resolution with the assistance of Town Counsel, and those matters shall be the first items in the call of the meeting. The Board of Selectmen may, at its discretion, add other matters to the call of the meeting.

7.1.3. Five hundred or more persons or five percent (5%) of the total number qualified to vote in town meetings, whichever is less, may petition the town clerk, in writing, at least twenty-four hours prior to any town meeting, requesting that any item or items on the call of such meeting be submitted to the persons qualified to vote in such meeting not less than seven nor more than fourteen days thereafter, on a day to be set by the town meeting or, if the town meeting does not set a date, by the town selectmen, for a "Yes" or "No" vote on the voting machines. Except as provided herein, the manner of conducting such adjourned town meeting shall be as provided by the General Statutes.

~~(As amended 12/2/04)~~

7.2. Organization and Procedure

7.2.1. The Moderator, or in his absence, the Deputy Moderator, shall preside at town meetings. If both are absent, the meeting shall choose a moderator. The Town Clerk or Assistant Town Clerk shall serve as clerk. In their absence the meeting shall choose a clerk.

7.2.2. Electors of the town and other persons qualified by the General Statutes, may vote at town meetings, unless otherwise provided by this charter. Town meeting action shall be by majority vote of those present and voting unless otherwise provided by this charter.

7.3. Annual Budget (Automatic Referendum)

7.3.1. Unless annual town budget approval is subject to automatic referendum as set forth in Section 7.3.2 or petitioned to referendum pursuant to Section 7.1.3, the annual town meeting may approve or reject the proposed annual town budget by a majority vote of qualified voters present and voting.

7.3.2. In the event the proposed annual town budget increase is over 5% of the prior year's adopted annual town budget, or the annual town budget is petitioned to referendum as provided by Sec. 7.1.3, the annual budget meeting shall be limited to a public presentation of the town of East Lyme Budget by the Board of Finance, Board of Selectmen and Board of Education with an opportunity for public participation by comments and questions. After reasonable discussion, the moderator shall adjourn the meeting to a referendum on the voting machines. The budget resolution will be submitted to the persons qualified to vote in a town meeting by referendum by machine vote which shall take place on the Thursday in May which is ten days after the annual budget meeting. At least five (5) days prior to such referendum, the Board of Selectmen shall publish in a newspaper having a general circulation in the town accordance with law a notice of such referendum, setting forth the date on which, the hours during which, and the location at which the referendum will be held and the text of the questions as they will appear on the voting machines.

The text shall provide for approval/disapproval of the Budget of the Town of East Lyme.

1. Shall the budget for the fiscal year July 1, ____ to June 30, ____ as recommended by the Board of Finance be adopted.

Yes No

In the event the proposed annual town budget increase is less than 5% of the prior year's adopted annual town budget, the annual budget meeting shall be held in accordance with Sections 7.1 and 7.3 of this Charter.

7.3.3. Should the budget fail to be approved by a majority of those voting thereon, the Board of Finance shall forthwith revise estimated expenditures, without altering estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the state, to arrive at revised spending levels, and

If the budget had been voted on at the annual town meeting, the Board of Finance will submit the revised budget to the reconvened town meeting which shall be held at the same time of day on the subsequent Monday provided such Monday is not a holiday, and shall include an explanation of revisions prior to voting.

~~If the budget had been voted on at referendum, the Board of Finance will~~ automatically submit the revised budget to a referendum 14 days following the date the initial budget referendum was defeated. The Board of Finance shall hold at least one (1) public hearing upon five (5) days legal notice prior to submitting the revised budget for consideration. This process shall be repeated at two (2) week succeeding intervals until such time as the budget is adopted.

In the event said budget is not adopted by the third Wednesday in June, business shall be conducted in accordance with Section 7-405 and 12-123 of the General Statutes, as amended.

7.4. Special Appropriations

A special appropriation or a payment into or appropriation from any reserve fund for capital and non-recurring expenditures, requiring town meeting approval in accordance with Section 6.3. of this charter, may be decreased by the town meeting, but may not be increased. A town meeting may make no special appropriation not recommended by the Board of Finance.

7.5. Appropriations and Borrowing

Any request by any town department for a special appropriation which shall exceed the amount which the Board of Selectmen is empowered by Section 6.3. of this charter to appropriate for that department in any one fiscal year, and any resolution authorizing the issuance of bonds or notes shall be placed on the call of a town meeting for action thereon.

7.6. Overrule of an Ordinance Enactment

A special town meeting shall be called on application, as provided in Section 3.4.3. of this charter, to consider the overrule of an ordinance enactment. Two hundred electors shall constitute a quorum at such special town meeting and such ordinance shall be overruled, void, and of no effect if a majority of the electors voting at such special town meeting vote to overrule such ordinance.

7.7. Sale or Purchase of Real Estate

The sale of real estate or the purchase of real estate the price of which is over ~~ten one~~ hundred thousand dollars, shall require approval of a town meeting.

CHAPTER 8 - TRANSITION AND MISCELLANEOUS

Section

- 8.1 Effective Date
- 8.2 Transition
- 8.3 Financial Interest Prohibited
- 8.4 Amendments to the Charter
- 8.5 Savings Clause

8.1. Effective Date

The effective date of this charter shall be July 1, 1965. Between the effective date of this charter and the first Monday of December, 1965, all officers and boards shall have those powers and duties which they had prior to the adoption of this charter, unless otherwise specified.

8.2. Transition

8.2.1. During the transition period, all elective terms that expire in October of any year shall, unless otherwise specified in Section 8.2. of this charter, be extended to the first Monday in December of that year, when their successors, who have been elected in November of that year, will take office.

8.2.2. The terms of the Board of Selectmen elected at the town election in October 1963 shall be extended until the first Monday in December 1965 and the members shall have only those powers and duties which they had prior to the adoption of this charter.

~~8.2.3. The terms of the Town Clerk and the Town Treasurer elected at the town election in November 1965, which begin the first Monday of January 1966, shall continue until the first Monday in December 1969.~~

~~8.2.4. The term of the Tax Collector elected at the town election in October 1963 shall be extended until the first Monday in December 1965.~~

~~8.2.4. The term of the agent of the town deposit fund elected at the regular town election in October 1963 shall be extended until the first Monday in December 1965. Effective on the first Monday in December 1965, such office is abolished and the functions of that office shall thereafter be exercised by the Town Treasurer.~~

8.2.35. The term of the Assessor holding office on the effective date of this charter shall continue until the first Monday of October 1966.

8.2.46. The three terms of the Board of Education that expire in October 1965 shall be extended until the first Monday in December 1967. One additional member shall be elected in November 1965 for a two year term, to expire on the first Monday in December 1967. The three terms that expire in October 1967 shall be extended until the first Monday in

December 1967. The seven terms that expire in December 1967 shall be filled in the following manner: in November 1967, five members shall be elected for a four-year term and two members for a two-year term. The three terms that expire in October 1969 shall be extended to the first Monday in December 1969. The five terms that expire in December 1969 shall be filled by election in November 1969 for four-year terms.

8.2.57. The two terms of the Board of Finance that expire in October 1965 shall be extended to the first Monday in December 1965 and shall be filled in the election in November 1965 in the following manner: one member shall be elected for a four-year term and one member for a two-year term. The two terms that expire in October 1967 shall be extended to the first Monday in December 1967. The three terms that expire in December 1967 shall be filled in the election in November 1967 by election for four-year terms. The two terms that expire in October 1969 shall be extended to the first Monday in December 1969. The three terms that expire in December 1969 shall be filled in the election in November 1969 for four-year terms.

8.2.68. The one term of the Board of Tax Review Assessment Appeals that expires in October 1965 shall be extended to the first Monday in December 1967. The two terms which expire in October 1967 shall be extended to the first Monday in December 1967. All terms which expire in December 1967 shall be filled by election in November 1967 for four-year terms.

8.2.79-4. Upon the increase of the membership of the Board of Tax Review Assessment Appeals to five members, the Board of Selectmen shall appoint two additional members to serve until the first Monday of December 1991. At the election in November 1991 all five terms shall be filled, the two terms which were filled by the Board of Selectmen shall be filled for two-year terms and the three other terms shall be filled for four-year terms. Upon the expiration of each of the terms thereafter, it shall be filled for a four-year term.

8.2.84. The terms of the Zoning Commission and the terms of the Planning Commission shall each be filled in the following manner: the one term expiring in October 1965 shall be extended to the first Monday in December 1965 and shall be filled by election in November 1965 for a four-year term. One additional member shall be elected in November 1965 for a two-year term. The one term expiring in October 1966 shall be extended to the first Monday in December 1967. The one term expiring in October 1967 shall be extended to the first Monday in December 1967. The three terms that expire in December 1967 shall be filled by election in November 1967 for four-year terms. The term expiring in October 1968 shall be extended to the first Monday in December 1969. The term that expires in October 1969 shall be extended to the first Monday in December 1969. The three terms that expire in December 1969 shall be filled by election in November 1969 for four-year terms.

8.2.94. The terms of the Zoning Board of Appeals shall be filled by appointment in the following manner: the term expiring at the annual town meeting in 1965 shall be extended to January 1966. The term expiring in January 1966 shall be filled by appointment to January 1968. The term expiring at the annual town meeting in 1966 shall be filled by appointment to January 1968. The term expiring at the annual town meeting in 1967 shall be extended to January 1968. All terms expiring in January 1968 shall be filled by

appointment for four years. The five-year term that expires at the annual town meeting in 1969 shall be extended to January 1970. The terms expiring in January 1970 shall be filled by appointment for four years.

8.2.102. All terms of the Alternate Zoning Board of Appeals shall be filled by appointment in the following manner: the term expiring at the annual town meeting in 1965 shall be extended to January 1966. The term expiring in January 1966 shall be filled by appointment for four years. The terms expiring at the annual town meetings in 1966 and 1967 shall be extended to January 1968. The terms expiring in January 1968 shall be filled by appointment for four years.

8.2.113. All terms of the Building Code Board of Appeals shall be filled by appointment in the following manner: the term expiring in 1966 shall be filled by appointment to January 1968. The term expiring in 1967 shall be extended to January 1968. All terms expiring in January 1968 shall be filled by appointment for four years. The term expiring in 1968 shall be filled by appointment to January 1970. The term expiring in 1969 shall be extended to January 1970. All terms expiring in January 1970 shall be filled by appointment for four years.

8.2.124. All terms of the Water Commission shall be filled by appointment in the following manner: the term expiring at the annual town meeting in 1965 shall be extended to January 1966 and shall be filled by appointment for four years. The terms expiring at the annual town meetings in 1966 and 1967 shall be extended to January 1968. The terms expiring in January 1968 shall be filled by appointment for four years.

~~8.2.15. The terms of the Flood and Erosion Control Board shall be filled by appointment in the following manner: the term expiring at the annual town meeting in 1965 shall be extended to January 1966. The term expiring in January 1966 shall be filled by appointment to January 1968. The term expiring at the annual town meeting in 1966 shall be filled by appointment to January 1968. The term expiring at the annual town meeting in 1967 shall be extended to January 1968. All terms expiring in January 1968 shall be filled by appointment for four years. The five-year term that expires at the annual town meeting in 1969 shall be extended to January 1970. The terms expiring in January 1970 shall be filled by appointment for four years.~~

8.2.136. The Parks and Recreation Commission shall be appointed in the following manner: in January 1966, three terms shall be filled by appointment for two years and four terms shall be filled by appointment for four years. The three terms expiring in January 1968 shall be filled by appointment for four years.

~~8.2.17. The terms of the Industrial and Development Commission shall be filled by appointment in the following manner: the three terms that expire in January 1966 shall be filled by appointment for two years. The term that expires in January 1967 shall be filled by appointment for three years. The four terms that expire in January 1968 shall be filled by appointment for four years. The term that expires in January 1969 shall be filled by appointment for one year. The three terms that expire in January 1970 shall be filled by appointment for four years.~~

~~8.2.18. The Board of Selectmen shall, by ordinance, provide for the orderly transition of the terms of members of the Redevelopment Agency to comply with Section 4.2.1. of this charter.~~

~~8.2.19. The terms of the constables elected in October 1963 shall be extended until the first Monday in April 1966.~~

~~8.2.20. The term of the Tree Warden that expires in October 1965 shall be extended to the first Monday of January 1966.~~

~~8.2.21. The term of the Dog Warden which is filled in April 1966, shall be filled for a term ending on the first Monday of January, 1970.~~

8.3. Financial Interest Prohibited

No town officer shall derive any financial benefit from any transaction with the board of which he is a member or with the office which he holds, unless he disqualifies himself from discussion and decision thereon; if such officer is not a member of a board, he shall notify in writing the Board of Selectmen of such benefit.

8.4. Amendments to the Charter

This charter may be amended at any time in the manner prescribed by the General Statutes. Future Charter revisions shall include a revision record of changes. In addition, commencing in 2033 and decennially thereafter, the Board of Selectmen shall vote to determine whether to appoint a Charter Revision Commission in accordance with the Connecticut General Statutes.

8.5. Saving Clause

If any section of this charter shall be held invalid by a court of competent jurisdiction, such invalidation shall not affect the remainder of this charter nor the context in which such section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such invalidation shall directly apply.