

New Milford Charter Revision Commission
Final Draft Report recommended by Town Council

For submission to state election ballot – November 6, 2018

TOWN OF NEW MILFORD, CT
TOWN CHARTER

CURRENT CHARTER CHAPTER INDEX:

- 1 - Incorporation and General Powers
- 2 - Elections
- 3 - Elected Officials
- 4 - Town Council
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- 6 - Mayor
- 7 - Finance & Taxation
- 8 - Elected Boards, Commissions & Officers
- 9 - Police Department
- 10 - Appointed Boards & Commissions
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- 12 - Town Employees
- 13 - Transition & Miscellaneous Provisions

PROPOSED NEW CHAPTER INDEX:

- 1 - Incorporation and General Powers
- 2 - Elections
- 3 - Elected Officials (includes Elected Boards and Commissions)
- 4 - Town Council
- 5 - Mayor
- 6 - Administrative Officers
- 7 - Appointed Boards & Commissions
- 8 - Finance & Taxation
- 9 - Town Meetings
- 10 - Town Employees
- 11 - Transition & Miscellaneous Provisions

CHAPTER I: Incorporation and General Powers

Section 101_Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of New Milford, as heretofore constituted, shall continue to be a body politic and corporate under the name of "THE TOWN OF NEW MILFORD," hereinafter in this Charter 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 Statutes of the State of Connecticut.

Section 102_Rights and Obligations.

All property, both real and personal, all rights of action and rights of every description, and all securities and liens in the Town as of the effective date of the Charter are continued. The Town shall continue to be liable for its debts and obligations. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien.

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that the same may be enforced by any commission, board, office or agency therein named, which is hereby abolished or superseded by the creation herein of a new commission, board of ^{or} office to which are granted similar powers and jurisdiction, such contracts, bonds, or undertakings shall be in no manner impaired but continue in force and effect.

The powers conferred and the duties imposed with reference to the same upon any such commission, board, office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of the Town.

Section 103_General Grant of Powers.

In addition to all powers granted to Towns under the Constitution and the Connecticut General Statutes, or which may hereafter be conferred, the Town shall have the powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Chapter 99 of the Connecticut General Statutes, and by Special Acts of the Connecticut General Assembly not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the Town. This includes the power to enter into contracts with the United States Government or any branch thereof or any federal agency, the State of Connecticut or any agency or political subdivision thereof, or any other body politic or corporate for services and the use of facilities the exercise of which is not expressly forbidden by the Constitution and the General Statutes of the State of Connecticut and to accept grants from such governmental and private agencies. The enumeration of particular powers in this and any other chapters of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

CHAPTER II: Elections

Section 201_General.

Nomination and election of ~~federal~~ **municipal** and state officers and of such elected town officers, boards and commissions as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote, in the manner prescribed in the Constitution and the General Statutes and special laws of the State of Connecticut applicable to the Town of New Milford.

A meeting of the electors of the Town of New Milford for the election of municipal officers shall be held biennially **in odd-numbered years** on the first Tuesday after the first Monday of November.

Section 202_Minority Representation.

Minority representation on all elective or appointive boards, commissions, committees or similar bodies of the Town, except the Board of Education, shall be in accordance with Section 9-167a of the Connecticut General Statutes; minority representation on the Board of Education shall be determined in accordance with the provisions of Section 9-204b of the Connecticut General Statutes.

Section 203_Eligibility.

No person shall be eligible for election to any Town office who ~~if, is not~~ at the time of his **said election is not** an elector of the Town, as defined by Chapter 141 of the Connecticut General Statutes, and any person ceasing to be an elector of the Town shall **immediately** thereupon cease to hold elective office in the Town.

Section 204_Breaking a Tie.

When a regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Chapter 149 of the Connecticut General Statutes to determine who shall be elected or, in the case of a question of referendum, whether it shall be accepted or rejected, provided, however, that ~~these~~ **these** provisions shall not apply to questions at referendum which, under the provisions of this Charter or of the Connecticut General Statutes, require a minimum number of electors voting in favor of such questions in the event that the number of electors voting in favor of such questions does not equal the said minimum number required by such provisions.

Section 205_Vacancies — Elective Offices.

Any vacancy, from whatever cause arising, in any elective Town office **for which more than half the full term has elapsed except** in the case of the Mayor as provided for in Section ~~503~~ of this Charter **or in the case of Town Council as set forth below**, shall be filled within sixty (60) days of such vacancy by appointment, by the Town Council, for the unexpired portion of the term ~~or until the next regular Town election, as defined in Chapter 141 of the Connecticut General Statutes, whichever shall first occur.~~

Any such vacancy shall be filled by the appointment of a member of the same political party, said party affiliation determined as of the date of the most recent election, as the person vacating the office in the event said person was affiliated with a political party.

Except as otherwise provided in this Charter, if there shall be a regular Town election, as defined in Chapter 141 of the Connecticut General Statutes, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until the said election by appointment as provided for herein and subsequently by the election of a person to fill that office for the remaining portion of the term, such person to take office immediately upon his election.

All vacancies on the Town Council shall be filled by vote of the remaining members of the Town Council; the member appointed to fill the vacancy shall serve for the unexpired portion of the term.

Section 206 **Board for Admission of Electors.**

The Town Clerk and the Registrars of Voters shall constitute the Board for admission of electors in accordance with the provisions of Chapter 143 of the Connecticut General Statutes.

~~Section 207 **Referendum.**~~

~~Whenever any referendum vote for approval of any question is to be taken pursuant to the provisions of the General Statutes, any Special Act or the Constitution of the State of Connecticut or pursuant to any provision of this Charter, except the provisions of Section 505 and 707 of this Charter, the provisions of Chapter 152 of the Connecticut General Statutes regarding the procedures for such referendum shall apply; except, however, to the extent that such General Statute, Special Act or Constitution shall provide for procedures different from those set forth in said Chapter 152, the procedures set forth in such General Statute, Special Act or Constitution shall apply.~~

CHAPTER III: Elected Officials

~~Section 301_General Powers and Duties.~~

~~Except as otherwise provided in this Charter, all elected town officers and members of the Board of Education shall have the powers and duties prescribed for such officers in the Connecticut General Statutes and in this Charter.~~

§ New 301_General Powers and Procedures; records; compensation

(a)

Except as otherwise provided in this Charter, all elective Town officers, boards and commissions shall have the powers and duties prescribed by law.

(b)

Except as otherwise provided by law, all elected boards and commissions shall elect, as officers, a Chairman, a Vice Chairman and a Secretary within 60 days following the first of December of the odd-numbered year. All boards and commissions shall promulgate regulations for the conduct of their meetings and the execution of their duties, including written policies established by each board and commission. Such regulations and policies and any amendments thereto shall be filed with the Town Clerk and shall be public record. Any vacancy in any of the officers' positions on any board or commission shall be filled by the majority vote of the members of such board or commission at the next regularly scheduled meeting following the vacancy.

(c)

Copies of all minutes taken by each board and commission shall be filed with the Town Clerk within seven (7) business days. The recorded vote of each member thereof on all issues shall be filed with the Town Clerk within two (2) business days. The Town Clerk shall maintain files of such minutes, which shall be public record. Any changes to filing deadlines of minutes or recorded votes adopted by the Legislature and incorporated into the CT General Statutes subsequent to the adoption of this Charter shall supersede this section and shall be deemed to prevail.

(d)

Board and commission members, except members of the Board of Assessment Appeals (per Section 12-121 of the CT General Statutes), shall serve without compensation, except that necessary expenses incurred in the performance of their duties shall be paid from an appropriation for that purpose.

Section 302_Election and Terms of office: Town Elections.

Biennially, **unless otherwise noted**, on the first Tuesday after the first Monday of November, there shall be elected the following officers:

(a)

Mayor. The Mayor who shall be elected for a term of two (2) years;

(b)

Town Clerk. The Town Clerk, who shall also be the Registrar of Vital Statistics, shall be elected at alternate biennial elections for a term of four (4) years.

(c)

Tax Collector. The Tax Collector, who shall be elected at alternate biennial elections for a term of four (4) years.

~~(b) (d)~~

Town Council. Nine (9) members of the Town Council, each of whom shall be elected for terms of two (2) years in accordance with the provisions of Chapter 146 of the Connecticut General Statutes;

~~(c)~~

~~With respect to members of the Board of Education beginning with the terms commencing December 1, 2007, three (3) members of the Board of Education who shall serve for terms of four (4) years; and in the subsequent following biennial election, two (2) members of the Board of Education who shall serve for terms of two (2) years; and beginning with the terms commencing December 1, 2009, four (4) members who will be elected for four (4) years; thereafter, in the November 2011 election, five (5) members who shall serve for terms of four (4) years and at alternating biennial elections four (4) members who shall serve for terms of four (4) years; all of said nine (9) members of the Board to be elected in accordance with the provisions of Section 9-204b of the Connecticut General Statutes;~~

~~(d) (e)~~

~~Three (3) members of the Board of Finance who shall be elected for terms of four (4) years each; so that the Board of Finance shall continue to have six (6) members;~~

Board of Finance. The Board of Finance shall consist of **seven (7) members** each of whom shall be elected for a term of four (4) years. At each regular biennial Town election there shall be elected a sufficient number of members to succeed each member whose term shall expire.

~~(f)~~

Board of Education. The Board of Education shall consist of nine (9) members elected for terms of four (4) years. At each regular biennial Town election there shall be elected sufficient members to succeed each member whose term shall expire. The Board of Education shall be elected in accordance with the provisions of Section 9-204b of the Connecticut General Statutes.

~~(g)~~

Board of Assessment Appeals. The Board of Assessment Appeals shall consist of three (3) members elected for terms of four (4) years. At each regular biennial Town election one (1) member or two (2) members shall be elected for terms of four (4) years on a rotating basis, pursuant to Connecticut General Statute Section 9-199, as terms expire.

~~(e)~~

~~Members of the Planning Commission, shall serve for terms of four (4) years each; all of whom shall succeed those members of said Commission whose terms expire, so that the Planning Commission shall consist of five (5) members, each of whom shall be elected for a term of four (4) years;~~

~~(h)~~

Planning Commission. The Planning Commission shall consist of five (5) members each of whom is elected for a term of four (4) years. At each regular biennial Town election there shall be elected a sufficient number of members to succeed each member whose term shall expire.

~~(f)~~

~~Members of the Zoning Commission, shall serve for terms of four (4) years each; all of whom shall succeed those members of said Commission whose terms expire, so that the Zoning Commission shall consist of five (5) members; each of whom shall be elected for a term of four (4) years;~~

~~(i)~~

~~**Zoning Commission.** The Zoning Commission shall consist of five (5) members each of whom is elected for a term of four (4) years. At each regular biennial Town election there shall be elected a sufficient number of members to succeed each member whose term shall expire.~~

~~(g)~~

~~Members of the Zoning Board of Appeals, shall serve for terms of four (4) years each; all of whom shall succeed those members of said Board whose terms expire, so that the Zoning Board of Appeals, shall consist of five (5) members, each of whom shall be elected for a term of four (4) years;~~

~~(j)~~

~~**Zoning Board of Appeals.** The Zoning Board of Appeals shall consist of five (5) members each of whom is elected for terms of four (4) years. At each regular biennial Town election there shall be elected a sufficient number of members to succeed each member whose term shall expire.~~

~~(h)~~

~~Members of the Board of Assessment Appeals shall serve for terms of four (4) years each, all of whom shall succeed those members of said board whose terms then expire, so that the Board of Assessment Appeals shall continue to consist of three (3) members, each of whom shall be elected for a term of four (4) years.~~

~~At a meeting of the electors of the Town of New Milford to be held on the first Tuesday after the first Monday of November, and quadrennially thereafter, there shall be elected a Town Clerk and a Tax Collector, each of whom shall be elected for a term of four (4) years.~~

The terms of office of all elected Town officers, members of Town boards and commissions, and members of the Board of Education shall commence on the first (1st) day of December following their election, except that when filling an unexpired term, that person so elected will take office immediately following the election.

~~Section 303_Election and Terms of Office: State Elections.~~

~~At the State election to be held every four (4) years on the first Tuesday after the first Monday of November thereafter, there shall be elected to serve for terms of four (4) years each two (2) Registrars of Voters, in accordance with Chapter 146 of the Connecticut General Statutes, and forty five (45) Justices of the Peace selected as provided in Sections 9-183a and 9-183b of the Connecticut General Statutes. Said Registrars of Voters and Justices of the Peace shall perform those duties prescribed by the Connecticut General Statutes for said office.~~

§ New 303_Elected and Selected State Officers

(a)

Registrars of Voters. At the State election to be held every four (4) years on the first Tuesday after the first Monday of November thereafter, there shall be elected to serve for terms of four (4) years each two (2) Registrars of Voters, in accordance with Chapter 146 of the Connecticut General Statutes.

(b)

Justices of the Peace. In addition, forty-five (45) Justices of the Peace shall be selected as provided in Sections 9-183a and 9-183b of the Connecticut General Statutes. Said Registrars of Voters and Justices of the Peace shall perform those duties prescribed by the Connecticut General Statutes for said office.

CHAPTER IV: Town Council

Section 401_General.

There shall be a Town Council, consisting of nine (9) Council members, exclusive of the Mayor. ~~Whenever this Charter refers to "Town Council" or "Council members," such designation shall be deemed to mean the nine (9) Council members.~~

Said **Town** Council members shall serve without compensation but shall be entitled to reimbursement for reasonable actual expenses incurred in the performance of their official duties as may from time to time be authorized by resolution of the Town Council.

No **Town** Council member, during the term of office for which he has been elected or during which he has served to fill a vacancy, and for one (1) year thereafter, shall be eligible for employment for compensation in any Town position or office which has been created, established or authorized during such term of office.

Section 402_Presiding Officer and Organization.

With the Mayor presiding, the Town Council shall meet every two (2) years on the first Monday in December following their election for purposes of organization.

(a)

At the organizational meeting the Town Council shall elect, from among their own members, a Vice-Chairman who shall be a member of the same political party as the Mayor and who shall serve as Acting Mayor in accordance with the provisions of Chapter 503 of this Charter. **The Mayor shall appoint a member of the Town Council, approved by the Town Council, to serve as Parliamentarian.**

(b)

At the organizational meeting of the Town Council following each two-year Town election, the Town Council shall by resolution fix the time and place of its regular meetings and provide a method for calling of special meetings, all to be called and held in accordance with the provisions of Chapter 3 of the Connecticut General Statutes. The Mayor shall file with the Town Clerk, as may be required by Section 1-225 of the Connecticut General Statutes, the schedule of regular meetings of the Town Council.

(c)

The Mayor shall from time to time appoint members of the Town Council to such committees as the Town Council deems necessary.

(d)

The Mayor shall preside over all other meetings of the Town Council and perform such other duties consistent with his office as may be imposed by the **Town** Council members.

Section 403_Clerk of the Town Council.

(a)

The Town Council shall appoint a qualified person who is not a member of the Town Council to serve as **recording clerk** of said Council. Said **clerk** shall keep a public record of all proceedings of the Town Council, ~~including all roll call votes, which shall be the official record of its proceedings, including votes and minutes of all meetings~~ **which shall be recorded as required by Chapter 3 of the Connecticut General**

Statutes. The record so kept shall be authenticated for each meeting by the signature of either the Mayor or the Vice-Chairman of the Town Council.

(b)

In the event of the temporary absence or disability of the secretary, the Mayor shall appoint an acting secretary to keep the record of all proceedings of the Town Council during the period of such secretary's absence or disability.

Section 404 **Procedure.**

~~At the first meeting of the Town Council following each two-year Town election, the Council shall by resolution fix the time and place of its regular meetings and provide a method for calling of special meetings, all to be called and held in accordance with the provisions of Chapter 3 of the Connecticut General Statutes. The Mayor shall file with the Town Clerk, as may be required by Section 1-225 of the Connecticut General Statutes, the schedule of regular meetings of the Town Council.~~

(a)

The Town Council shall, by resolution, determine its own rules of procedure unless otherwise provided in this Charter.

(b)

All meetings of the Town Council for the transaction of business shall be open to the public when in session and all regular meetings shall ~~afford to~~ **provide for** the electors of the Town an opportunity to address the Town Council with suggestions, petitions and complaints in accordance with the Rules of Procedure adopted by the Town Council, provided that to the extent permitted in Chapter 3 of the Connecticut General Statutes, the **Town** Council may meet in executive session closed to the public when so voted by two-thirds of the ~~Councilmen~~ **Town Council members** present and voting.

~~The votes and minutes of all meetings shall be recorded as required by Chapter 3 of the Connecticut General Statutes.~~

(c)

Five (5) members of the Town Council shall constitute a quorum; the Mayor shall not be counted in determining whether a quorum is present.

(d)

No ordinance, except an emergency ordinance, shall be adopted or repealed by the Town Council by fewer than five (5) affirmative votes. Except as specifically otherwise provided in Sections **502, 503, 601, 604, 702, 806, 807, and 1107** of this Charter, any other action, including any resolution, may be adopted by an affirmative vote of a majority of those Council members present, provided that said Council members present constitute a quorum.

(e)

The Town Council shall hold at least one regular meeting during each calendar month, except that any regular meeting may be omitted by an affirmative vote of not less than six (6) Council members, such vote to be not later than three (3) weeks prior to the first day of the month in which such omitted regular meeting would have been held.

The Mayor or any five (5) members of the Town Council may call a special meeting of the Town Council in accordance with the provisions of Chapter 3 of the Connecticut General Statutes.

(f)

The Mayor shall prepare the agenda for each regular meeting of the Town Council and shall cause public notice of the same to be published in such manner as the Town Council may prescribe in its Rules of Procedure. Said agenda shall contain all items submitted to the Mayor by any member of the Town Council or by the Mayor within the time limits prescribed by the Rules of Procedure adopted by the Town Council, provided that such items are submitted in writing. The agenda shall set forth each item in full or, at the discretion of the Mayor, may describe any such item in a brief summary. The agenda shall be delivered by the Mayor's office to all members of the Town Council and filed with the Town Clerk at least five (5) days prior to any regular meeting of the Town Council.

Section 405_General Powers and Duties.

The Town Council shall have all the powers and duties hereinafter conferred upon said Town Council and all those powers and duties which, on the effective date of this Charter were conferred by law upon **Boards of Selectmen** ~~municipal legislative bodies~~, except as otherwise specifically provided in this Charter.

~~The legislative authority of the Town shall be vested, except as otherwise specifically provided in Chapter V of this Charter, exclusively in the Town Council.~~

(a)

The Town Council shall have the power to enact, amend, or repeal ordinances which may be introduced by any of its members or by the Mayor, provided the same are consistent with the provisions of this Charter, the Connecticut General Statutes, and the State and Federal Constitutions as determined by the Town Attorney, and may recommend to the Town Meeting the creation, consolidation or abolition of boards, commissions, departments and administrative offices.

The Town Council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules or regulations which have been published, or any code officially adopted by any administrative agency of the State, or any portion thereof, by reference thereto in such ordinance; provided that upon adoption of any such ordinance wherein any such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules or regulations in the office of the Town Clerk for examination by the public.

(b)

Nothing herein shall be construed to prohibit the Town Council from appointing, by resolution, special or temporary boards, commissions or committees as it may from time to time deem necessary and appropriate to the operation of the Town Government. In such event said special or temporary boards, commissions, or committees shall be deemed to terminate one (1) year after their creation, except that the Town Council may extend said temporary board, commission or committee prior to **its** termination date, for a period not to exceed an additional six (6) months.

(c)

The Town Council may contract for services and the use of facilities with the United States Government or any branch thereof or any federal agency, the State of Connecticut or any agency or political subdivisions thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities in accordance with the applicable provisions of the Connecticut General Statutes.

(d)

The Town Council may fix any charges to be made for services rendered by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter unless otherwise prohibited by law.

(e)

If at any time during a fiscal year the Town Council shall ascertain that the revenue from cash receipts for the year is likely to be less than the total appropriations, it may reconsider the programs, **expenditures** and allocations of ~~the several~~ departments, offices and agencies and revise the allocations of ~~the several~~ departments, offices and agencies so as to avoid or forestall the incurring of a deficit.

Section 406_Public Hearing on and Publication of Ordinance.

Except as otherwise specifically provided in this Charter, no ordinance shall be acted upon by the Town Council pursuant to the provisions of this Chapter or by the Town Meeting pursuant to the provisions of Chapter V of this Charter, until and unless one Public Hearing on such ordinances shall have been held by the Town Council.

(a)

The Mayor shall draft a Notice of such Public Hearing and shall give notice at least seven (7) days in advance of the Public Hearing and notice shall also be given by publication in a newspaper having general circulation in the Town, and by posting a notice in the office of the Town Clerk at least seven (7) days in advance of the publication.

(b)

Copies of such proposed ordinances shall be made available for public inspection at the Town Clerk's Office at least seven (7) days in advance of said Public Hearing.

If substantive changes, as determined by the Town Attorney, are made in any such proposed ordinance subsequent to the Public Hearing required under the provisions of this section, a second Public Hearing shall be held on such proposed ordinance prior to final action by the Town Council.

(c)

The final action must be taken within forty-five (45) days after the last Public Hearing. Every ordinance, after passage, shall be filed by the Mayor within five (5) days with the Town Clerk, and recorded, compiled and published by him as required by law.

(d)

Within fifteen (15) days after recordation in the Town Clerk's office, each ordinance or amendment so passed shall be published by the Town Clerk once in its entirety in a newspaper having general circulation within the Town.

(e)

Each ordinance or amendment, unless it shall specify a later date, shall become effective on the twenty-first (21st) day after such publication following its passage.

Section 407_Emergency Ordinances.

For the purpose of meeting a public emergency threatening the lives, health or property of persons, emergency ordinances stating the facts constituting such emergency shall be promulgated forthwith by a vote of a majority of the Town Council voting and present.

No Public Hearing or notice of Public Hearing shall be required for any public emergency ordinance.

(a)

The Mayor shall as soon as practicable but no more than five (5) days after approval of the **emergency** ordinance file the ordinance with the Town Clerk and the Town Clerk shall publish the ordinance in a newspaper having general circulation in the Town within fifteen (15) days after approval.

(b)

Every such emergency ordinance, including any amendments thereto, shall be effective on passage unless otherwise provided, and shall automatically stand repealed at the termination of the sixty-first (61st) day following final passage of said ordinance, provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under Section 406 of this Charter prior to such sixty-first day, then such emergency ordinance shall remain in full force and effect until final action is taken or on the permanent ordinance, but in no event shall said emergency **ordinance** ~~aid~~ remain in full force and effect for more than one-hundred-twenty (120) days after its passage.

(c)

When terminated, the Mayor shall file a notice of termination **of an emergency ordinance** with the Town Clerk and the Town Clerk shall publish the termination notice in a newspaper having general circulation in the Town.

Section 408. Power of Initiative — Ordinances Proposed to the Town Council.

The electors of the Town shall have the power to propose ordinances provided the same are consistent with this Charter, the Connecticut General Statutes, and the State and Federal Constitutions as determined by the Town Attorney, or to propose the repeal of existing ordinances in the following manner:

(a)

A petition using a form pre-approved by the Town Clerk may be filed by any elector of the Town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirement of Chapter 90 of the Connecticut General Statutes.

(b)

The petition shall contain the full text of the ordinances proposed or the ordinance proposed to be repealed and shall be signed in ink or indelible pencil by at least one (1) percent of the electors of the Town.

(c)

The petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Chapter 90.

(d)

The Town Clerk shall, within five (5) days after receipt of the last page of the petition, determine whether the petition and affidavits are sufficient as prescribed by law and if so, certify the petition to the Town Council by delivering the certification to the Mayor who shall present the certification to the Town Council for consideration at the next Town Council Meeting.

(e)

If the Town Council shall fail to adopt an ordinance so proposed, or fail to repeal an existing ordinance within sixty (60) days after a petition making such proposal shall have been certified to the Town Council as provided herein, the ~~Town Council~~ **Mayor** shall then call a Special Town Meeting at which meeting all persons eligible to vote at Town Meetings of the Town pursuant to Chapter 90 of the Connecticut General Statutes shall be eligible to vote, to be held within thirty (30) days after the expiration of the aforementioned sixty (60) day period.

(f)

Such proposed ordinance may be adopted or such ordinance proposed for repeal shall be deemed repealed, upon approval by a majority of those eligible to vote and voting thereon at such Special Town Meeting.

(g)

The Mayor shall file the newly adopted ordinance or a notice of the repealed ordinance with the Town Clerk no later than five (5) days after such Town Meeting action.

(h)

The ordinance or repealed ordinance shall become effective or **defunct, respectively**, on the twenty-first (21st) day after publication in accordance with the provisions of Section 406 of this Chapter, provided, however, ~~the newly adopted ordinances or repealed ordinances~~ shall be considered approved or repealed upon certification of the results of the voting thereon regardless of any defect in the petition submitted in accordance with the provisions herein.

No ordinance which shall have been adopted or repealed by Special Town Meeting in accordance with the provisions of this section may be repealed, amended or re-enacted by the Town Council for a period of twelve (12) months after its effective date.

Section 409_Power of Overrule - Ordinances Adopted by the Town Council.

All ordinances adopted by the Town Council pursuant to the provisions of this Chapter, except emergency ordinances adopted in accordance with the provisions of Section 407 of this Chapter, shall be subject to overrule by a Special Town Meeting in the following manner:

(a)

If, within fifteen (15) days after the publication of any such ordinance, a petition using a form pre-approved by the Town Clerk conforming to the requirements of Chapter 90 of the Connecticut General Statutes signed in ink or in indelible pencil by at least three (3) percent of the electors of the Town is filed with the Town Clerk requesting its reference to a Special Town Meeting, the effective date of such ordinance shall be suspended.

(b)

Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Chapter 90 of the Connecticut General Statutes.

(c)

The Town Clerk shall, within five (5) days after receipt of the petition, determine whether the petition and affidavits are sufficient as prescribed by law and if so, certify the petition to the Town Council by delivery to the Mayor.

(d)

If, within thirty (30) days of the certification of the petition by the Town Clerk, the Town Council fails to repeal such ordinance, it shall then fix the time and place of such

Special Town Meeting, at which Town Meeting all persons eligible to vote at Town Meetings pursuant to Chapter 90 of the Connecticut General Statutes shall be eligible to vote, which shall be held within forty-five (45) days of the end of the period in which the Town Council have to reconsider such ordinance, and notice thereof shall be given in the manner provided by law for the calling of a Town Meeting.

(e)

All ordinances so referred shall take effect upon the conclusion of such Town meeting unless a majority of those persons voting thereon shall have voted in favor of overruling such ordinance, and in such event said ordinance so referred shall be deemed null, void and repealed upon the conclusion of such Town Meeting. **The Mayor shall file the results with the Town Clerk.**

(f)

~~The Mayor shall file the results with the Town Clerk.~~

No ordinance which shall have been adopted or repealed by a Special Town Meeting in accordance with the provisions of this Section shall be overruled, amended or re-enacted by the Town Council for a period of twelve (12) months after the effective date of such action.

Section 410_ **Relations to Administrative Services.**

No member of the Town Council (except when acting as Mayor pursuant to Charter Section 503) or Board of Finance Member shall direct, either publicly or privately, any administrative officer or employee as defined by Sections 503 and 601 of this Charter.

CHAPTER V: The Mayor

Section 501_General.

(a)

There shall be a Mayor who shall be elected in accordance with the provisions of Chapter III of this Charter.

(b)

The Mayor shall be the full-time chief executive officer and chief administrative officer of the Town and shall receive such compensation as shall be recommended by the Town Council **and** approved in the annual budget.

(c)

The Mayor shall not be a member of the Town Council and shall vote at its meetings only to break a tie vote. The Mayor shall preside at **all** meetings of the Town Council. The Mayor or a member of the Town Council designated by him shall be an ex-officio member of all other Town boards, commissions and agencies, without power to vote.

(d)

The Town Council shall not diminish, by ordinance, vote or otherwise, the powers and duties of the Mayor, except those powers and duties imposed on him by the Town Council under the provisions of this section.

(e)

The Mayor, during the term of office for which he has been elected and for one (1) year thereafter, shall not be eligible for employment by the Town for compensation in any other position or office which has been created, established or authorized during his term of office.

Section 502_Duties.

The Mayor shall be the chief executive officer directly responsible for the administration of all departments, agencies, and persons or boards and employees of the Town and shall supervise and direct the same unless otherwise provided by this Charter.

The Mayor may, with the approval of the Town Council and subject to such other limitations as are contained in this Charter and in the Connecticut General Statutes, enter into contracts or agreements with the United States Government or any branch thereof, or any federal agency, the State of Connecticut or any agency or political subdivision thereof, any person, or any other body politic or corporate.

The Mayor may, with the approval of a majority of the entire Town Council, perform the duties of any administrative officer whom he shall have the power to appoint; provided that the Town Council shall by resolution determine that he is qualified to perform such duties.

The Mayor shall:

(a)

See that all laws and ordinances governing the Town are faithfully executed.

(b)

Make periodic reports to the Town Council on the conditions and affairs of the Town and shall assist the Board of Finance in the preparation of the Annual Town Report.

(c)

Preside over meetings of the Town Council and shall recommend to the Town Council such measures as he may deem necessary or expedient including, but not limited to, the right to introduce ordinances.

(d)

Keep the Town Council fully advised as to the financial condition of the Town.

(e)

Prepare and submit to the Town Council and the Board of Finance an annual budget as provided in **Chapter VIII** of this Charter. As part of the budget the Mayor shall present a program of municipal improvements, approved by the Town Council and previously approved in accordance with the Connecticut General Statutes and Town ordinances for the ensuing fiscal year and for the four (4) fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office, board, commission or agency annually by the **first business day in February** in the form and manner prescribed by the Mayor.

(f)

Exercise such other powers and duties as may be authorized by ordinance and resolution of the Town Council not inconsistent with this Charter. The Mayor shall have the powers, duties and responsibilities conferred or imposed on that office by the General Statutes or by Special Act except insofar as the same are inconsistent with the provisions of this Charter.

(g)

Appoint and may remove, with the approval of a majority of the entire Town Council, such administrative officers as are assigned to him for appointment by the Charter, and such other assistants or employees as may be required pursuant to the performance of the Mayor's duties, subject to such rules and regulations concerning Town employees as may be adopted by the Town Council pursuant to the provisions of Chapter **X** of this Charter.

(h)

~~The Mayor may, with the approval of the Town Council and subject to such other limitations as are contained in this Charter and in the Connecticut General Statutes, enter into contracts or agreements with the United States Government or any branch thereof, or any federal agency, the State of Connecticut or any agency or political subdivision thereof, any person, or any other body politic or corporate.~~

(i)

~~The Mayor may, with the approval of a majority of the entire Town Council, perform the duties of any administrative officer whom he shall have the power to appoint; provided that the Town Council shall by resolution determine that he is qualified to perform such duties.~~

Section **503** **Acting Mayor Appointments and Terms.**

(a)

The Vice-Chairman shall serve as Acting Mayor in the event of the absence, disability or incapacity of the Mayor for a period not exceeding thirty (30) days. In such event the

Vice-Chairman shall not exercise the appointive or removal authority vested in the office of the Mayor by this Charter. The Vice-Chairman, while acting as Mayor, shall not retain his right to vote as a member of the Town Council, but shall have the same voting right as Mayor in case of a tie vote.

(b)

In the event the Mayor is unable to perform the functions of his office for any reason for a continuous period of thirty (30) days or more, the Town Council shall appoint an Acting Mayor of the same political party as the Mayor's party. The Acting Mayor shall serve out the unexpired term unless and until notice is given of the Mayor's return to office as provided below, and shall be compensated on the same basis as the Mayor. When the Mayor returns, he must give notice, in writing, to the Town Council of the Mayor's intentions to take over his duties again and the Mayor shall do so after the expiration of seven (7) days from date of receipt of the notice by the Town Council.

CHAPTER VI: Administrative Officers

Section 601_General.

(a)

There shall be the following administrative officers: Town Attorney; Assessor; Director of Finance; Director of Health; Fire Marshal; Tree Warden; Building Inspector; Director of Civil Preparedness and Emergency Management; Personnel Director; Public Works Director; Sanitarian; Town Planner, **Chief of Police** and such other permanent administrative officers as have been or hereafter may be established in accordance with this Charter.

All administrative officers shall be appointed by the Mayor with the approval of the Town Council or such other Board or Commission as is required by this Charter. All appointments shall be made solely on the basis of professional qualification, character, training and experience consistent with the duties granted to such officer.

(b)

The Town Attorney, Director of Health, Tree Warden, and Director of Civil Preparedness and Emergency Management, shall be appointed for terms set forth in this Chapter. All other administrative officers shall be appointed to serve at the pleasure of the Mayor and Town Council. The latter appointments may be terminated and such officers discharged from office with or without cause upon the concurrent action of both the Mayor and Town Council acting by an affirmative vote of not less than two-thirds of all its members.

(c)

Each administrative officer, with the approval of the Mayor, may appoint and remove such Deputies, Assistants and employees as may be authorized by the Town Council and the Town Council shall prescribe their duties.

Section 602_Town Attorney.

A Town Attorney or firm of attorneys to represent the Town shall be appointed to serve for a term coterminous with the Mayor and until a successor is appointed and qualified. The Town Attorney shall be an attorney at law admitted to the practice in this State. Except as otherwise provided by law, he shall:

(a)

Represent, appear for and protect the rights of the Town in all actions, suits, and proceedings brought by or against it or any of its departments, offices, agencies, boards or commissions.

(b)

Be the legal advisor of the Town Council, Mayor, and all town officers, boards and commissions in all matters affecting the Town

(c)

Upon written request **by or through an Administrative Officer or by any board or commission**, submitted through the office of the Mayor **and Town Attorney**, furnish a written opinion, within a reasonable period of time after receipt of such request, on any question of law involving their respective powers and duties.

(d)

Upon request, he shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest.

(e)

Have power, with the approval of the Town Council, to appeal from orders, decisions, and judgments, and subject to the approval of said Town Council, to compromise or settle any claims by or against the Town.

If, in special circumstances, the Town Council deems it advisable, it, by resolution, may provide for the temporary employment of counsel other than or in addition to the Town Attorney.

Section 603_Assessor.

The Assessor shall be appointed by the Mayor with the approval of the Town Council for an indefinite term to be the head of the Office of the Assessor. He shall have all the powers and perform all the duties imposed on the Assessor according to the Connecticut General Statutes and as may be prescribed in writing by the Town Council.

Section 604_Director of Finance.

The Mayor shall appoint a Director of Finance with the approval of the Town Council for an indefinite term.

The Director of Finance shall:

(a)

Be the treasurer of the Town of New Milford and shall have all of the powers, duties and responsibilities imposed upon the Town treasurers by the Connecticut General Statutes.

(b)

Be the treasurer of all trust funds held by the Town.

(c)

Receive and have custody of all funds belonging to or under the control of the Town or of any board, commission, department, officer or agency thereof.

(d)

Require all such boards, commissions, departments, officers and agencies to report and remit all receipts to him as often as necessary for fiscal management.

(e)

Make such deposits or investments as he deems in the best interest of the Town, provided that they are made in compliance with the requirements of the Connecticut General Statutes **and Section 806(e) of this Charter.**

(f)

Be responsible for the safekeeping of all bonds, notes or other securities held by the Town and for the receipt and delivery of such bonds, notes or other securities for transfer, registration and exchange.

(g)

Work in cooperation with the Tax Collector to develop a program for the effective collection of delinquent taxes. He may assign one or more employees from his office to the office of the Tax Collector to accomplish such purpose.

(h)

Work in cooperation with the Town's land use agencies and other Boards, Commissions and Departments to develop uniform procedures designed to prevent the lapse of permit bonds, performance bonds, letters of credit or other security given to the Town.

(i)

Install, maintain and supervise the general accounting system for all departments, offices, boards, committees, commissions and agencies in conformance with the uniform system of accounts for Connecticut municipalities, or such other system as may be approved by the Board of Finance and the Tax Commissioner of the State. He shall also prescribe the form of accounts to be kept by each Department, office, Board, Committee, Commission and agency of the Town, keep separate accounts for the appropriations contained in the budget and encumber immediately with the amount of each purchase order, payroll or contract, and maintain for each account a record of the amounts paid and remaining unpaid, all encumbrances and unencumbered balance.

(j)

Audit, before payment, all bills, invoices, payrolls and other evidence of claims, demands or charges against the Town.

(k)

Compile, for the Mayor and the Town Council, estimates for the budget and the capital program and shall assist in the preparation of the annual budget document.

(l)

Advise the Town Council and the Board of Finance of changes in departmental programs and departmental estimates of revenue and expenditures.

(m)

Submit not less than monthly to the Town Council and Board of Finance a financial statement showing the amount of each appropriation and any transfers, encumbrances and expenditures and such other fiscal data as may be prescribed by the Town Council or the Board of Finance.

(n)

Prepare for the Town Council and the Board of Finance at the end of each fiscal year a complete financial statement and report.

(o)

Establish procedures designed to provide for the centralized purchasing of supplies by all Town boards, commissions, departments, including the Board of Education (if allowed by law and approved by the Board of Education), agencies or officers and to provide for the management and supervision of inventories.

(p)

Assist the Mayor in the development, updating and maintenance of the five (5) year capital improvement plan required to be presented as part of the annual budget pursuant to the provisions of Section 802.

(q)

Prepare a cost analysis of all labor contracts, pension plans and insurance plans prior to the signing of any such contracts or plans. He shall assist in all labor negotiations and shall serve as a consultant to the labor negotiators representing the Town.

(r)

In addition to the powers, duties and responsibilities as are prescribed by this Charter, the Director of Finance shall have such other, duties, powers and responsibilities as lawfully may be delegated to him by Town Meeting, the Mayor, or the Town Council.

(s)

The Director of Finance may, with the approval of the Mayor and of the Town Council and within the limits of the appropriations made to his office, appoint qualified

administrators, including a Comptroller, to whom he may delegate specific functions of the aforesaid duties. Each such appointee may be terminated and discharged from office with or without cause upon the concurrent action of both the Mayor and the Town Council acting by an affirmative vote of not less than a majority of all of its members.

Notwithstanding the foregoing, the Director of Finance shall at all times remain fully responsible for the performance of the duties and responsibilities imposed upon him by this Charter.

Section 605_Director of Health.

The Director of Health shall serve a term of four (4) years and until a successor is appointed and qualified. The Director of Health shall have such powers and duties as prescribed by the Connecticut General Statutes for local directors of health and such other powers and duties as this Charter or the Town Council may prescribe.

Section 606_Fire Marshal.

The Fire Marshal shall be appointed for an indefinite term and have all the powers and duties conferred upon fire marshals by the Connecticut General Statutes and such other powers and duties as this Charter or the Town Council may prescribe.

Section 607_Tree Warden.

The Tree Warden shall serve for a term coterminous with the Mayor and until a successor is appointed and qualified. The Tree Warden shall have all the powers and duties relating to said office as prescribed by the Connecticut General Statutes for tree wardens and such other powers and duties as this Charter or the Town Council may prescribe.

Section 608_Building Official.

The Building Official shall be certified with the State of Connecticut. He shall be appointed for an indefinite term and have the powers and duties to enforce the State Building Code as conferred by the Connecticut General Statutes and shall have such other powers and duties as this Charter and the Town Council may prescribe.

Section 609_Director of Civil Preparedness and Emergency Management.

The Director of Civil Preparedness and Emergency Management shall serve for a term coterminous with the Mayor and until a successor is appointed and qualified. The Director of Civil Preparedness and Emergency Management shall have such powers and duties as are provided by Chapter 517 of the Connecticut General Statutes and such other powers and duties as this Charter and the Town Council may prescribe.

Section 610_Personnel Director.

The Personnel Director shall serve an indefinite term and be the head of the Personnel Department and shall have such powers and duties as this Charter and the Town Council may prescribe.

Section 611_Public Works Director.

The Public Works Director shall serve for an indefinite term and be in charge of the Department of Public Works and shall exercise his powers and discharge his duties under the supervision of the Mayor in accordance Section 1002 of the Charter and as prescribed by the Town Council and in accordance with Town Ordinances.

Section 612_Sanitarian.

The Sanitarian shall serve for an indefinite term and have all of the powers and duties conferred upon sanitarians by the Connecticut General Statutes and such other powers and duties as this Charter and the Town Council may prescribe.

Section 613_Town Planner.

The Town Planner shall be appointed by the Mayor with the approval of the Town Council for an indefinite term. The Town Planner shall have responsibilities, including but not limited to, performing and supervising technical and professional work with respect to long-range planning in the town and in the development and implementation of land use and related policies and regulations. The Town Planner shall also have the powers and duties not inconsistent with this Charter as the Town Council may prescribe.

Section 614 Chief of Police

The Chief of Police shall be appointed by the Mayor, with the approval of the Town Council, for a definite term not to exceed four years, and upon the expiration of any such term, may reappoint the Chief of Police in like manner for successive terms not to exceed four years each. During any such term or appointment, the Town Council may remove the Chief of Police from office for cause upon written charges presented by the Mayor in the procedural manner prescribed by Section 7-278 of the Connecticut General Statutes.

(a)

The Chief of Police shall execute all powers concerning the management and supervision of the Police Department hereafter conferred on the Mayor or otherwise conferred by law.

(b)

The Chief of Police shall be directly responsible to the Mayor for the proper execution of the Town of New Milford's organized police department, which shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property, and enforcement of the laws of the State and the ordinances of the Town and all rules and regulations made in accordance therewith.

(c)

All members of the Department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the Connecticut General Statutes.

(d)

The Mayor, acting through the Chief of Police, shall have the general management and supervision of the Police Department and of the equipment and facilities used in connection therewith. He shall make all needful regulations for

the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer, member or employee of such Police Department.

(e)

The Mayor shall establish a system for the review of civilian complaints against officers, members and employees of the Police Department and shall submit the procedures establishing such system for the review of civilian complaints to the Town Council for its approval.

(f)

Except as provided for the Chief of Police, all appointments, promotions and removals from office of officers, members and employees of the Police Department shall be made by the Chief of Police with the approval of the Mayor, under such procedures as are adopted for such purpose, and the appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing.

CHAPTER VII: Appointed Boards and Commissions

Section 701 General Powers and Procedures; records; compensation

~~There shall be the following appointed Town **bodies** Boards and Commissions: Conservation Commission; Ethics Commission; Inland Wetlands Commission; Parks and Recreation Commission; Commission on Aging; Building Code Board of Appeals; Library Board of Trustees; Pension Committee; Regional and Interlocal Agencies; Youth Agency; such other permanent Boards and Commissions as have been or hereafter may be created by the Town Meeting pursuant to Chapter V of this Charter, the members of which are appointed by the Mayor with the approval of the Town Council; and such special Boards and Commissions as have been or hereafter may from time to time be created by the Town Council in accordance with the provisions of Chapter IV of this Charter.~~

~~All appointments shall be for the term prescribed by law and unless otherwise specifically provided, all such terms shall commence on December 1 **February 1 following the organization meeting of the Town Council set forth in 402 of this Charter.**~~

~~All members of such Boards and Commissions shall serve without compensation, except for the reimbursement of necessary expenses as authorized by the Town Council, or as otherwise provided by law, and until their successors have been appointed and qualified.~~

~~Such Boards and Commissions shall, except otherwise provided in this Charter, have the powers and duties as are conferred and imposed by ordinance, by the Connecticut General Statutes, and by this Charter.~~

(a)

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

(b)

Except as otherwise provided by law, all appointed boards and commissions shall elect, as officers, a Chairman, a Vice Chairman and a Secretary within 60 days following the first of February of the even-numbered year. All boards and commissions shall promulgate regulations for the conduct of their meetings and the execution of their duties, including written policy established by each board and commission. Such regulations and policies and any amendments thereto shall be filed with the Town Clerk and shall be public record. Any vacancy in any of the officers' positions on any board or commission shall be filled by the majority vote of the members of such board or commission as the next regularly scheduled meeting following the vacancy.

(c)

Copies of all minutes taken by each board and commission shall be filed with the Town Clerk within seven (7) business days. The recorded vote of each member thereof on all issues shall be filed with the Town Clerk within two (2) business days. The Town Clerk shall maintain files of such minutes, which shall be public record. Any changes to filing deadlines of minutes or recorded votes adopted by the Legislature and incorporated into the CT General Statutes subsequent to the

adoption of this Charter shall supersede this section and shall be deemed to prevail.

(d)

All appointed board and commission members and any other appointed representatives shall serve without compensation, except that necessary expenses incurred in the performance of their duties shall be paid from an appropriation for that purpose.

~~Section 1002~~ **Appointment and Eligibility.**

~~All members of appointed Town Boards and Commissions as are described in Section 1001 of this Chapter shall be appointed, subject to the provisions of Section 202 of this Charter, by the Mayor with the approval of the Town Council by an affirmative vote of not less than a majority of all the members of the Town Council by resolution adopted at a meeting to be held not later than the fifteenth (15th) day of March following each regular Town Election held under the provisions of this Charter.~~

~~No person shall be eligible to serve as a member of any regular Town Board or Commission described in Section 1001 of this Chapter, except the Building Code Board of Appeals, unless such person is an elector and a resident of the Town of New Milford.~~

~~**No appointments, to terms commencing on February 1, shall be made by the Mayor between the previous November 1 and the organization meeting of the Town Council.**~~

§ New 702 **Transition**

In the event that this Charter shall change the term length or composition of any board, commission or committee and such body was already in existence, any incumbent persons on the effective date of this Charter shall complete the terms for which they were appointed but their successors, if any, shall be appointed as herein provided.

~~Section 1003~~ **Vacancies — Appointive Boards and Commissions.**

~~Any vacancy on any appointive Town Board or Commission, from whatever cause arising, shall be filled by the appointing authority to such office for the unexpired portion of the term vacated. Any such vacancy, unless created by the expiration of a term, shall be filled by the appointment of a member of the same political party as the person vacating office. The political party shall be that party to which the vacating member belonged on the date of his most recent appointment.~~

§ New 703 **Appointment and Eligibility.**

(a)

All members of appointed Town Boards and Commissions and any appointed representatives **and any vacancies therein**, as are described in Section 1001 of this Chapter shall be appointed, subject to the provisions of Section 202 of this Charter, by the Mayor with the approval of the Town Council by an affirmative vote of not less than a majority of all the members of the Town Council by resolution adopted at a meeting to be held not later than the fifteenth (15th) day of March following each regular Town Election held under the provisions of this Charter. **Any vacancy, unless created by**

the expiration of a term, shall be filled by the appointment of a member of the same political party as the person vacating office. The political party shall be that party to which the vacating member belonged on the date of their most recent appointment.

(b)

No person shall be eligible to serve as a member of any regular Town Board or Commission **or as a representative** described in Section 701 of this Chapter, except the Building Code Board of Appeals, unless such person is an elector and a resident of the Town of New Milford.

(c)

No appointments, to terms commencing on February 1, shall be made by the Mayor between the previous November 1 and the organization meeting of the Town Council.

~~Section 1004 **Inland Wetlands Commission.**~~

~~The Mayor shall appoint, with the approval of the Town Council, in accordance with Section 1002 of this Charter, an Inland Wetlands Commission consisting of seven (7) appointed regular members and three (3) alternates. Said members shall serve for a term of four (4) years and shall be appointed to succeed those members currently serving on the Inland Wetlands Commission as their terms expire.~~

~~The Commission shall have all the powers and duties not inconsistent with this Charter as are now or may hereafter be conferred or imposed upon such commissions in accordance with Chapter 440 of the Connecticut General Statutes and such other duties as may be prescribed by the Town Council.~~

§ New 704 **Appointed Boards, Commissions and Authorities**

Members and - where specified below - alternate members, of the boards, commissions and authorities referenced in this section shall be appointed in accordance with Section 703 of this Charter for terms commencing on February 1 following the organizational meeting of the Town Council set forth in Section 402 of this Charter.

(a)

The following appointed boards and commissions shall consist of five (5) members, three (3) members appointed for terms of two (2) years and two (2) members shall be appointed for terms of four (4) years. Biennially thereafter three (3) or two (2) members shall be appointed for terms of four (4) years on a rotating basis as terms expire:

- 1. Building Code Board of Appeals**
- 2. Conservation Commission**
- 3. Ethics Commission**
- 4. Farmland & Forest Preservation Committee**
- 5. Film Commission**
- 6. Historic Properties Commission**
- 7. Pension Committee**
- 8. Sewer Commission**
- 9. Traffic Authority**

10. Youth Agency

(b)

The following appointed boards and commissions shall consist of seven (7) members, three (3) members shall be appointed for terms of two (2) years and four (4) members shall be appointed for terms of four (4) years. Biennially thereafter three (3) or four (4) members shall be appointed for terms of four (4) years on a rotating basis as terms expire:

- 1. 9-11 Committee**
- 2. Commission on Aging**
- 3. Economic Development Commission**
- 4. Inland-Wetlands Commission**
- 5. Northville 1-room Schoolhouse**
- 6. Parks & Recreation Commission**

(c)

The following appointed board, commission and authority alternates shall consist of three (3) alternates, two (2) alternates shall be appointed for terms of two (2) years and one (1) alternate for a term of four (4) years. Biennially thereafter one (1) or two (2) alternates shall be appointed for terms of four (4) years on a rotating basis as terms expire:

- 1. Arts Commission**
- 2. Building Code Board of Appeals**
- 3. Commission on Aging**
- 4. Conservation Commission**
- 5. Economic Development Commission**
- 6. Ethics Commission**
- 7. Farmland & Forest Preservation Committee**
- 8. Film Commission**
- 9. Historic Properties Commission**
- 10. Housing Partnership**
- 11. Inland Wetlands Commission**
- 12. Library Board of Trustees**
- 13. Sewer Commission**
- 14. Traffic Authority**
- 15. Youth Agency**
- 16. Board of Finance Alternates**
- 17. Planning Commission Alternates**
- 18. Zoning Board of Appeals Alternates**
- 19. Zoning Commission Alternates**

(d)

The following appointed board, commission and authorities shall exist, whose membership and duties shall be either as described herein or as provided by the ordinance that established such board, commission or authority.

- A. Alarm Appeals Board, consisting of three (3) electors. Two (2) members shall be appointed for terms of two (2) years and one (1) member shall be appointed for a term of four (4) years and biennially thereafter one (1) or**

two (2) members shall be appointed for terms of four (4) years on a rotating basis as terms expire.

- B. Arts Commission, consisting of twelve (12) electors. Six (6) of the members shall be appointed for terms of two (2) years and six (6) of the members shall be appointed for four (4) years, and biennially thereafter six (6) shall be appointed for terms of four (4) years as terms expire.
- C. Candlewood Lake Authority delegation, consisting of three (3) electors, to serve as New Milford's representatives. Two (2) members for terms of two (2) years and one (1) member for a term of four (4) years and biennially thereafter one (1) or two (2) members shall be appointed for terms of four (4) years on a rotating basis as terms expire.
- D. Lake Lillinonah Authority delegation, consisting of three (3) electors, to serve as New Milford's representatives. Two (2) members for terms of two (2) years and one (1) member for a term of four (4) years and biennially thereafter one (1) or two (2) members shall be appointed for terms of four (4) years on a rotating basis as terms expire.
- E. Lanesville Fire Substation Trustees, consisting of three (3) electors. Two (2) members for terms of two (2) years and one (1) member for a term of four (4) years and biennially thereafter one (1) or two (2) members shall be appointed for terms of four (4) years on a rotating basis as terms expire.
- F. Library Board of Trustees, consisting of nine (9) electors, pursuant to Connecticut General Statute 11-21. Five (5) members shall be appointed for terms of two (2) years and four (4) members shall be appointed for a term of four (4) years and biennially thereafter five (5) or four (4) members shall be appointed for terms of four (4) years on a rotating basis as terms expire.
- G. Traffic Authority consisting of three (3) electors. Two (2) members shall be appointed for terms of two (2) years and one (1) member shall be appointed for a term of four (4) years and biennially thereafter one (1) or two (2) members shall be appointed for terms of four (4) years on a rotating basis as terms expire.

~~Section 1005_Conservation Commission.~~

~~There shall be a Conservation Commission consisting of six (6) members having terms of six (6) years each. The members shall be appointed every two (2) years to succeed those members currently serving on the Commission as their terms expire.~~

~~The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or granted to such Commissions by Chapter 97 of the Connecticut General Statutes.~~

New 705 _ Creation and discontinuance of offices, boards, commissions and committees.

(a)

The Town Council, by a majority vote of the entire Town Council, may create such new offices, boards, commissions and committees as it may determine are

necessary or proper for the general health, safety and welfare of the Town and may prescribe their duties by ordinance.

(b)

The Town Council, by majority vote of the entire Town Council and after a public hearing pursuant to Section 405, may also discontinue any appointed office, board, commission or committee that it may deem no longer necessary or proper for such purposes, including any such office or agency created under this Charter.

~~Section 1006_Ethics Commission.~~

~~The Mayor shall appoint, with the approval of the Town Council, in accordance with Section 1002 of this Charter, an Ethics Commission consisting of five (5) appointed regular members and three (3) alternate members. Said regular members shall serve for a term of five (5) years and shall be appointed to succeed those members currently serving on the Ethics Commission as their terms expire. Alternate members shall be appointed for a term of three (3) years.~~

~~The Commission shall have all the powers and duties not inconsistent with this Charter granted by the Connecticut General Statutes and such additional duties as may now or hereafter be prescribed by the Town Council.~~

~~Section 1007_Parks and Recreation Commission.~~

~~The Mayor shall appoint with the approval of the Town Council in accordance with Section 1002 of this Chapter, a Parks and Recreation Commission consisting of seven (7) appointed members. Said members shall serve for a term of four (4) years and shall be appointed to succeed those members currently serving on the Parks and Recreation Commission as their terms expire.~~

~~The Parks and Recreation Commission shall:~~

~~**(a)**~~

~~Maintain a comprehensive recreational program.~~

~~**(b)**~~

~~Shall be responsible for all park properties as are assigned to its jurisdiction and shall prescribe a system of regulations, permits and fees for recreational and park uses.~~

~~**(c)**~~

~~Shall have jurisdiction over and responsibility for the maintenance of property temporarily transferred to its jurisdiction by the Board of Education or other Boards of the Town as shall be provided by arrangements with such other Boards.~~

~~The Commission shall appoint a Recreational Director and such other assistants as are needed, provided, however, that no such appointments shall be effective until approved by the Mayor. Such Director and such assistants shall serve at the pleasure of the Parks and Recreation Commission and the Mayor and each may be terminated and discharged from office with or without cause upon the concurrent action of the Parks and Recreation Commission acting by a majority vote of not less than all its members and by the Mayor.~~

~~Section 1008_Commission on Aging.~~

~~The Mayor shall appoint with the approval of the Town Council in accordance with the provisions of Section 1002 of this Chapter, a Commission on Aging consisting of seven (7) members, the members to serve for terms of four (4) years, and be appointed to succeed those members currently serving as their terms expire. Every two (2) years, thereafter, the Mayor with approval of the Town Council shall appoint, in the manner provided herein either three (3) or four (4) members to such Commission depending on the number of members whose terms then expire.~~

~~The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such commissions in accordance with Chapter 97 of the Connecticut General Statutes and such other duties as may be prescribed by the Town Council.~~

~~Section 1009~~ **Building Code Board of Appeals.**

~~The Mayor shall appoint with the approval of the Town Council in accordance with the provisions of Section 1002 of this Chapter and the provisions of Connecticut General Statutes a Building Code Board of Appeals consisting of five (5) members, the members to serve for terms of five (5) years, and to be appointed to succeed those members currently serving as their terms expire.~~

~~Said board shall have all the powers and duties not inconsistent with this Charter, as are now or may hereafter be conferred or granted to such boards in Chapter 354 of the Connecticut General Statutes.~~

~~Section 1010~~ **Library Board of Trustees.**

~~The Mayor shall appoint for four (4) year terms, with the approval of the Town Council, eight (8) members to the Library Board of Trustees. Four (4) members shall be appointed every two (2) years.~~

~~The Library Board of Trustees shall provide library services for the Town, maintain the facilities and properties under its jurisdiction, and invest the funds of the trust.~~

~~The Library Board of Trustees shall have all the powers and perform all the duties imposed on it by the special acts of June 23, 1893, and March 1, 1917, of the Connecticut General Assembly and by the New Milford Public Library Expansion Act, as well as such other powers and duties as this Charter or the Town Council may prescribe by ordinance.~~

~~Section 1011~~ **Regional and Interlocal Agencies.**

~~The Town shall continue to participate in such regional and interlocal agencies and programs as authorized by ordinances adopted pursuant to the applicable provisions of the General Statutes. Nothing in this Charter shall be construed as limiting the authority of the Town, by action of the Town Council, to continue such participation or to join new regional programs as authorized by the General Statutes.~~

~~Section 1012~~ **Alternates.**

~~The Mayor, with the approval of the Town Council, may appoint alternates to all commissions, boards and agencies as may be authorized by ordinance or by the Connecticut General Statutes or any Special Act. Said alternates shall serve for terms~~

~~and shall have all the duties and powers to act as provided in the ordinance or statute authorizing the appointment of such alternate.~~

CHAPTER VIII: Finance and Taxation

Section 801_Fiscal Year.

The fiscal year of the Town shall begin on the first (1st) day of July and shall end on the thirtieth (30th) day of June.

Section 802_Budget Preparation.

The head of each department, office, board, commission or agency of the Town supported wholly or in part by Town funds, or for which a specific Town appropriation is made, shall set forth in the budget, in narrative or in such other forms as the Mayor may prescribe, a program or programs showing services, activities, and work accomplished during the current fiscal year and to be accomplished during the ensuing fiscal year.

Section 803_Departmental Estimates.

(a)

The Director of Finance shall compile preliminary estimates for the annual budget. The head of each department, office, board, commission or agency of the Town, as described in Section 802 of this Chapter, and the **Board of Education**, shall not later than the **first business day in February** in each year, file with the Director of Finance a detailed estimate of the expenditures to be made by said department, office, board, commission or agency, summarized in the major object of expenditures categories of: personnel services, contractual services, materials and supplies, fixed charges and capital outlays, in such a form as the Mayor, with the approval of the Board of Finance, may prescribe, and the revenues, other than tax revenue, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Town Council or the Mayor.

(b)

The Director of Finance shall furnish said information together with all information and data useful and necessary for the preparation of the budget to the Mayor so that he may present the annual budget to the Town Council and the Board of Finance not later than the third Tuesday in February in each year.

(c)

~~The Board of Education shall have the same duties and follow the same form and procedure with respect to its budget except that it shall be submitted to the Director of Finance on a date to be designated by the Director of Finance prior to the third Tuesday in February.~~

(c)

Following receipt of the required information, the Town Council and the Board of Finance shall jointly hold consultations with each department, agency or office head, including the Board of Education, to review their respective proposed budgets. The Mayor shall preside over said joint meetings.

Section 804_Duties of the Town Council on the Budget.

Not later than the third Tuesday in March ~~in each year~~ the Mayor, with the approval of the Town Council, shall present to the Board of Finance a budget consisting of:

(a)

A budget message outlining the financial position of the Town Government and describing in connection therewith the important features of the budget plan indicating any major changes from the current year in financial policies, expenditures and revenue together with the current reasons for such changes, and containing a clear general summary of its contents.

(b)

Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimates of the receipts other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of available surplus.

(c)

Itemized detailed estimates of expenditures, in a form acceptable to the Board of Finance, then summarized, presenting in parallel columns, actual expenditures for each department, office, board, commission and agency for the last completed fiscal year, actual expenditures of the first six months of the current fiscal year, estimated expenditures of the second six months of the current fiscal year, department requests for the succeeding fiscal year, and the recommendations of the Town Council, provided that the Town Council may offer other recommendations, and such other information as may be required by the Board of Finance.

(d)

As part of the budget the Mayor shall present a program of municipal improvements, approved by the Town Council and previously approved in accordance with the Connecticut General Statutes and Town ordinances for the ensuing fiscal year and for the four (4) fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office, board, commission or agency annually by February first in the form and manner prescribed by the Mayor. The Town Council shall then recommend to the Board of Finance those projects to be undertaken during the ensuing fiscal year and for the four (4) fiscal years thereafter and the method of financing the same.

The Mayor shall present reasons for all such proposals and recommendations.

Section 805_Duties of the Board of Finance on the Budget.

(a)

The Board of Finance shall hold one or more Public Hearings not later than the third Tuesday in April in each year, at which time any elector or taxpayer shall have an opportunity to be heard regarding proposed appropriations for the ensuing fiscal year.

(b)

Following receipt of the revenue and expenditure estimates for the ensuing fiscal year, the Board of Finance shall cause sufficient copies of the estimates to be made available for general distribution in the office of the Town Clerk, and at least five (5) days prior to the first of the aforementioned hearings, the Board of Finance shall cause to be published, in a newspaper having general circulation in the Town, a notice of such Public Hearing and of the proposed budget estimates showing anticipated revenues by major sources, and proposed expenditures by function or departments, the previous year's budget, the current year's budget, as amended to December 31, and the

proposed budget for the upcoming fiscal year, and shall also show the amount to be raised by taxation.

(c)

The Board of Finance shall, by resolution adopted by an affirmative vote of at least four (4) members, and within fifteen (15) days after holding the final Public Hearing, approve a budget and file it with the Town Clerk for submission to the Annual Town Budget Meeting and Town Budget Referendum pursuant to Section 807 of this Charter.

(d)

The Budget as recommended for approval by the Board of Finance shall be published in a newspaper having general circulation in the Town at least five (5) days prior to the Annual Town Budget Meeting.

(e)

The resolution of the Board of Finance approving the budget shall provide for appropriations by major object of expenditure categories of: personnel services, contractual services, materials and supplies, fixed charges and capital outlays, and the revenues, other than tax revenue, to be collected in the ensuing fiscal year. The resolution of the Board of Finance approving the budget for the Board of Education shall set forth a total amount only, in accordance with the Connecticut General Statutes.

(f)

Should the Board of Finance fail to approve the budget within the specified fifteen (15) days, the budget as transmitted by the Mayor in accordance with the provisions of Section 804 of this Chapter shall be deemed to have been finally approved by the Board of Finance and the same shall be filed with the Town Clerk for submission to the Annual Town Budget Meeting and Budget Referendum for the purposes of final adoption.

(g)

~~In the event the budget approved by the Board of Finance is defeated at the first Budget Referendum for that fiscal year, there shall be no further Board of Finance actions with regard to the adoption of a Revised Town Government budget or Revised Board of Education budget except with respect to Charter Section 706 authorizing the setting of mill rates.~~

Section 806_Duties of the Board of Finance on Other Financial Matters.

In addition to the duties prescribed elsewhere in this Charter, the Board of Finance shall:

(a)

Have the power, by resolution and only upon the recommendation of a majority of the entire Town Council, to make appropriations supplemental to those provided in the annual budget. In the event the Board of Finance fails to approve a supplemental appropriation recommended by a majority of the entire Town Council, the Town Council may, by a two-thirds vote of the entire Town Council, overrule the Board of Finance and approve a supplemental appropriation. **For such an overrule to be considered, a majority of the Town Council must petition the Mayor to call a special meeting of the Town Council for purposes of the same.**

(b)

Also have the power, by resolution, upon the recommendation of a majority of the entire Town Council, to incur indebtedness, ~~the term of which shall not exceed one (1) year,~~

and shall have such other powers and duties not inconsistent or in conflict with, or contrary to this Charter, conferred or imposed by the Connecticut General Statutes on Town Boards of Finance.

(c)

Within five (5) business days following the adoption of the Budget ~~by the Budget Referendum~~, fix the tax rate in mills which shall be levied on the taxable property in the Town for the ensuing fiscal year. **The budget will be deemed adopted once each portion of the budget has passed at referendum.**

(d)

For the purposes of Chapter 111 of the Connecticut General Statutes, have the power to select the independent public accountant.

(e)

Have the power to advise the Director of Finance and approve or reject the investment of any town funds exceeding one eighth of one mill – or exceeding one half of one mill in the aggregate during the course of a fiscal year - in one or more of the following:

- 1. time deposits of greater than 364 days;**
- 2. marketable securities;**
- 3. private placements.**

Section **807_Budget Referendum.**

(a)

After the Board of Finance approves the budget pursuant to Section 705 of this Charter, the Town Council shall set the date of the Annual Town Meeting and the date of the Budget Referendum. The Annual Town Budget Meeting shall be held for the purpose of receiving public comment on the budget and to take action on such matters necessary and appropriate to implement the budget following final Budget Referendum approval.

(b)

The **Annual Town Meeting** ~~Town Council~~ shall schedule the Budget Referendum for a date which is no earlier than eight (8) nor later than fourteen (14) days after the Annual Town Budget Meeting, and shall also schedule the hours during which such referendum vote shall be held. ~~The Town Council shall also direct the~~ Town Clerk to **shall** cause publication of the notice of said vote, ~~in such form as the Town Council directs~~, and the date, time, and place thereof in a newspaper having general circulation in the Town, which publication shall be no later than five (5) days before the date of the referendum.

(c)

- 1. After the Annual Town Meeting sets the date of the Budget Referendum, the Board of Finance shall schedule a special meeting for the next business day after said referendum, and any subsequent referendum. The agenda for said special Board of Finance meeting will include reaction/response to the Budget Referendum.**
- 2. In the event that the majority of those voting in the Budget Referendum approve the proposed Town Operating budget and/or the Board of Education budget the approved budget(s) shall be deemed final and not be subject to reconsideration for any subsequent referendum.**

3. In the event that the majority of those voting in the Budget Referendum reject the proposed Town Operating Budget, the Board of Education Budget, or both, the Board of Finance shall revise the rejected portion(s) of the budget and submit proposed revisions thereof to a subsequent referendum, consistent with Section 805(e).
4. Within two (2) business days of a special Board of Finance meeting set forth in Section 807-c(1), a majority of the Town Council may petition the Mayor to call a special Town Council meeting for the purpose of overriding the Board of Finance revisions set forth in Section 807-c(3). The Mayor shall then schedule such a Town Council meeting for the next business day. At said meeting, a two-thirds vote of the entire Town Council may overrule the Board of Finance revisions to the rejected budget(s) and approve alternative revisions to be voted on by the ensuing referendum. In the event a majority of Town Council members do not timely petition the Mayor for such a meeting, the budget(s) as revised by the Board of Finance will be voted on by the ensuing referendum.

~~In the event that any budget submitted to voters in any fiscal year is defeated at the Budget Referendum, or any subsequent budget is defeated at a Budget Referendum, the Mayor shall, the next business day immediately following the particular Budget Referendum, refer the Town Government budget and the Board of Education budget to the Town Council which, at a public meeting, may by majority vote of the entire Town Council.~~

(d)

In the event the referendum shall fail to adopt one or both portions of the budget, the referendum shall be adjourned until the twenty-first (21st) day following and thence to successive twenty-one (21) days, until any previously rejected portion(s) of the budget become adopted. Appropriate notice shall be given prior to each referendum.

~~The Town Council shall then submit such new proposed budget to another a subsequent Budget Referendum, to be held no sooner than seven (7) days from the date of the Town Council's action on the revised budget and no later than three (3) weeks from the date of the previous Budget Referendum. Publication of notice of such referendum shall be in accordance with Subsection B of this Chapter Section 707.~~

(e)

1. If the budget is rejected at such next **subsequent** Budget Referendum, the ~~Town Council~~ **Board of Finance** shall follow the same procedure and **deadlines set forth in Section 807-c** in considering and making proposed revisions and submitting such revised proposed budgets to subsequent Budget Referenda, until a budget is adopted. **The Town Council shall also follow the same procedure and deadlines set forth in Section 807-c with respect to potential override.**
2. If the budget remains unaccepted **after June 30th**, the budget adopted for the then current fiscal year shall be deemed to be the temporary budget for the forthcoming fiscal year and expenditures may be made on a month-to-month basis in accordance with the temporary budget until such time as a Budget Referendum adopts a new budget.

3. In all the initial Town Budget Referendum there shall be four (4) questions to be voted on by all voters, as follows:

Shall the sum of \$_____ be appropriated as the annual town government budget for the 20__ fiscal year?

Advisory only. **Is the proposed town operations budget in the amount of \$_____**

TOO HIGH ADEQUATE TOO LOW

Shall the sum of \$_____ be appropriated as the annual Board of Education budget for the 20__ fiscal year?

~~If the budget is defeated, do you wish to see the amount of \$_____ appropriated for general town government increased?~~

Advisory only. **Is the proposed education budget in the amount of \$_____**

TOO HIGH ADEQUATE TOO LOW

~~If the budget is defeated, do you wish to see the amount of \$_____ appropriated for education increased?~~

4. Subsequent referendums shall consider only the budget question(s) rejected in the previous referendum, with revised amounts pursuant to Section 807-c and the respective accompanying advisory question(s).

(f)

The adoption of the budget shall be deemed to constitute the appropriation to each department and to each office, board, commission and agency separately listed as set forth in the proposed budget as approved by the Town Referendum.

Section 808_Emergency Appropriations.

(a)

For the purpose of meeting a public safety emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed one-eighth (1/8) of one (1) mill ~~per thousand dollars~~ on the last completed taxable Grand List of the Town, may be obligated by the Mayor. Any amount above this shall require a majority vote of the Town Council and an affirmative vote of two-thirds of the Board of Finance.

(b)

In the event the appropriation fails to pass the Board of Finance, the Board of Finance may be overruled by a two-thirds vote of the Town Council.

(c)

In the absence of sufficient general fund resources to meet such appropriations, additional means of financing shall be provided in such manner, consistent with the provisions of the Connecticut General Statutes and of this Charter.

(d)

The Mayor, pursuant to Section 503 of this Charter, shall have the power to declare an emergency.

Section 809_Tax Bills.

It shall be the duty of the Tax Collector to issue to each taxpayer a tax bill prepared in accordance with the provisions of Chapter 204 of the Connecticut General Statutes. Except as otherwise specifically provided in this Charter, the assessment of property for

taxation and the collection of taxes shall be carried on in accordance with the provisions of Chapters 203 and 204 of the Connecticut General Statutes.

Section 810 Expenditures and Accounting.

(a)

No purchase to be satisfied with Town funds, other than sewer use revenue of the Sewer Commission, shall be made by any department, board, commission, employee or officer of the Town, excluding the Board of Education and the New Milford Public Library, except through procedures approved by the Director of Finance and the Mayor.

(b)

The Director of Finance shall cause the amount of authorized purchases and contracts for future purchases to be recorded as encumbrances against the appropriations from which they are to be paid.

(c)

No voucher, claim or charge against the Town shall be paid until the same has been audited by the Director of Finance and approved by him for correctness, validity and legality.

(d)

Payment of all approved claims against the Board of Education accounts shall be authorized by the Superintendent of Schools, or his agent, which authorization shall be valid when countersigned by the Director of Finance.

(e)

Payment of all approved claims against all other Town accounts shall be authorized by the Mayor which authorization shall be valid when countersigned by the Director of Finance.

(f)

The Director of Finance shall prescribe the manner in which persons receiving money on behalf of the Town shall transfer the same to the Director of Finance.

(g)

No expenditure or commitment to make an expenditure shall be made, caused to be made, or authorized by any officer, agent, employee, or agency of the Town, or by any board or commission of the Town unless an appropriation shall have been made covering such expenditure or commitment in accordance with the provisions of this Charter.

(h)

Each order drawn upon the Director of Finance shall state the department, commission, board or officer and the appropriation against which it is to be charged.

(i)

Any board, commission or department head (with the Mayor's written permission and notice to the Town Council) may transfer funds from one category to another category within the budget for such board, commission or department, provided that the aggregate amount of transfers within the budget for such board, commission or department shall not exceed \$5,000 provided that written notification of such transfer shall be given to the Mayor and the Director of Finance as each transfer occurs.

(j)

Upon the request of any board, commission or department or the Mayor, subject to the approval of the Town Council, the Mayor may instruct the Director of Finance to transfer funds in excess of \$5,000 from one category of such board, commission or department to another category of such board, commission or department provided that no new category is created.

(k)

Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrances of the appropriation therefore.Ⓜ

(l)

Each department shall send a list to the Mayor with a copy to the Town Council of any project, construction or permanent improvement for which an appropriation has been made but for which there has been no expenditure for twelve (12) consecutive months. The list shall state the amount of appropriation or encumbrance remaining unexpended. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse unless continued in force and effect upon consideration of the Director of Finance and approval of the Town Council.

(m)

Every payment made in violation of the provisions of this Charter shall be deemed illegal, and every official willfully authorizing or knowingly taking part therein shall be jointly and severally liable to the Town for the full amount so paid or received. The Town Council may adopt, by resolution, such rules and regulations concerning expenditures and bidding procedures, not inconsistent with the provisions of this section, as it may from time to time deem necessary and appropriate.

Section 811_Borrowing.

The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the Connecticut General Statutes subject to the limitations thereof and the provisions of this Charter. The issuance of any such bonds and notes, except tax anticipation notes, shall be authorized by resolution adopted by the Town Meeting as provided in Section 903 of the Charter.

Section 812_Official Bonds.

(a)

All officers and employees as may be required to do so by the Town Council or by the Connecticut General Statutes, shall, before entering on their respective official duties, execute to the Town, in the form prescribed by the Town Council and approved by the Town Attorney, and filed with the Town Clerk, a surety company bond in a penal sum to be fixed by the Town Council conditioned upon the honest and/or the faithful performance of such official duties.

(b)

Nothing herein shall be construed to prevent the Town Council, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards

or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

CHAPTER VIII: Elected Boards, Commissions and Officers

Section 801_General.

~~There shall be the following Town boards, commissions and officers elected in accordance with Chapter III of this Charter:~~

~~Mayer~~

~~Town Council~~

~~Board of Education~~

~~Board of Finance~~

~~Registrars of Voters~~

~~Planning Commission~~

~~Zoning Commission~~

~~Zoning Board of Appeals~~

~~Board of Assessment Appeals~~

~~Town Clerk~~

~~Tax Collector~~

Section 802_Board of Education.

~~The Board of Education shall consist of nine (9) members who shall be elected in accordance with the provisions of Section 9-204b of the Connecticut General Statutes and who shall hold office as provided in Chapter III of this Charter. The Board of Education shall perform such duties and have such powers as are or may be imposed or vested in local Boards of Education by Title 10 of the Connecticut General Statutes, and such Town Ordinances as may be applicable. They shall perform all acts required of the Board by the Town or necessary or advisable to carry into effect the power and duties imposed upon the Board by law.~~

Section 803_Board of Finance.

~~The Board of Finance shall consist of six (6) members who shall be elected and hold office as provided in Chapter III of this Charter. Except as otherwise provided in this Charter, including but not limited to Section 410 and Chapter 7 herein, the Board shall have the powers, duties and responsibilities and shall be subject to the restrictions and limitations of a Board of Finance established under Chapter 106 of the Connecticut General Statutes as said chapter is presently or may hereafter be amended, and such other Town Ordinances as may be applicable. In the event of a conflict between the Connecticut General Statutes with respect to the powers of the Board of Finance and this Charter, said powers, duties, limitations and responsibilities shall be governed by this Charter.~~

Section 804_Planning Commission.

~~The Planning Commission shall consist of five (5) elected members who shall be elected and hold office as provided in Chapter III of this Charter. The Planning Commission shall perform such duties and have such powers as are or may be imposed or granted in Chapter 126 of the Connecticut General Statutes.~~

~~Section 805_Zoning Commission.~~

~~The Zoning Commission shall consist of five (5) elected members who shall be elected and hold office as provided in Chapter III of this Charter. The Zoning Commission shall perform such duties and have such powers as are or may be imposed or granted by Chapter 124 of the Connecticut General Statutes. The Zoning Commission shall provide for the manner in which the zoning regulations shall be enforced and may, within the limits of any appropriation made therefore,⁴⁴ appoint a Zoning Enforcement Officer and such assistant enforcement officers as it deems necessary provided, however, that no such appointment shall be effective until approved by the Mayor. Such Zoning Enforcement Officer and such assistant enforcement officers shall serve for an indefinite term but at the pleasure of the Zoning Commission and the Mayor; and each may be terminated and discharged from office, with or without cause, upon the concurrent action of the Mayor and of the Zoning Commission acting by a majority vote of not less than all of its members.~~

~~Section 806_Zoning Board of Appeals.~~

~~The Zoning Board of Appeals shall consist of five (5) elected members who shall be elected and hold office as provided in Chapter III of this Charter. The Zoning Board of Appeals shall perform such duties and have such powers as are or may be imposed or granted in Chapter 124 of the Connecticut General Statutes, and such powers, duties and responsibilities and be subject to such restrictions and limitations as may, from time to time be prescribed by the New Milford Zoning Ordinances.~~

~~Section 807_Board of Assessment Appeals.~~

~~The Board of Assessment Appeals shall consist of three (3) elected members who shall be elected and hold office as provided in Chapter III of this Charter. The Board of Assessment Appeals shall perform such duties and have such powers as are or may be imposed or granted in Chapter 203 of the Connecticut General Statutes. Said Board shall be compensated for their services as provided by Town Meeting in accordance with Connecticut General Statutes, Section 12-121.~~

~~Section 808_Town Clerk.~~

~~The Town Clerk shall be elected and qualified and hold office as provided in Chapter III of this Charter for a term of four (4) years or until a successor shall be elected and qualified and shall have such powers and duties as are prescribed in Chapter 92 of the Connecticut General Statutes, as amended, as well as other powers and duties as set forth in this Charter or as prescribed by ordinance.~~

~~Section 809_Tax Collector.~~

~~The Tax Collector shall be elected and qualified and hold office as provided in Chapter III of this Charter for a term of four (4) years or until a successor shall be elected and qualified and shall have such powers and duties as are prescribed by the Connecticut General Statutes, as well as such other powers and duties as set forth in this Charter or as prescribed by ordinance.~~

CHAPTER IX: Town Meeting

~~Section 501_General.~~

~~The Town Meeting shall be established and shall have such authority as is provided by this Charter only. The Town Meeting shall have authority for final approval of those actions of the Town hereinafter enumerated and when considering such actions the meeting shall be deemed to be the legislative body of the Town.~~

~~All persons deemed to be eligible to vote in Town Meetings as prescribed in Chapter 90 of the Connecticut General Statutes shall be eligible to vote in Town Meetings called pursuant to Sections 502, 503 and 504 of this Chapter.~~

§ New 901_Annual and Special Town Meetings.

(a)

An Annual Town Meeting for the consideration of the budget and the transaction of other Town business shall be held on the first Tuesday in May. Consideration of the budget at the Annual Town Meeting shall not include a vote upon the budget as proposed for referendum pursuant to § 807 of this Charter. Special Town Meetings shall be called by the Town Council under the terms of this Charter and in the manner provided by the Connecticut General Statutes.

(b)

In the call of the Annual Town Meeting, the Town Council shall recommend a date for a referendum consistent with § 807 of this Charter. The Annual Town Meeting shall by majority vote by those attending have the power to amend the recommendation for a referendum date set forth therein.

~~Section 502_Annual Town Budget Meeting.~~

~~The Annual Town Budget Meeting shall be a meeting for public comment on the proposed annual budget, which meeting shall be warned by the Town Council at the same Town Council meeting at which the Town Council submits the annual budget to a Budget Referendum pursuant to Section 707 of this Charter. In addition, the Annual Town Budget Meeting shall take action on those matters necessary and appropriate to implement the budget following final Budget Referendum approval.~~

~~The date, time and place for such Town Meeting and Town Budget Referendum shall be established by resolution of the Town Council, but in no event shall the Annual Town Budget Meeting be held later than the second Tuesday in May.~~

§ New 902_Procedure.

(a)

All Town Meetings shall be called to order by the Mayor or his designated representative. A moderator shall be elected and all business shall be conducted in the manner prescribed by Chapter 90 of the Connecticut General Statutes and Robert's Rules of Order. The Town Clerk shall serve as clerk of all Town Meetings, but in the absence of the Town Clerk the meeting may designate an Acting Clerk.

(b)

All actions at a Town Meeting, unless otherwise specified in this Charter, shall be adopted by a majority vote of the qualified voters present and voting at the meeting. The minutes of all Town Meetings shall be filed by the Town Clerk in the Town Clerk's Office.

(c)

Town Meetings shall be authorized by resolution of the Town Council, which resolution shall either fix the time and place of such meeting or shall authorize the Mayor to fix such time and place. The Mayor, or in his absence the Acting Mayor, shall give notice of all Town Meetings consistent with Chapter 90 of the Connecticut General Statutes, however, this provision shall not apply to the Annual Town Meeting.

(d)

The Town Meeting shall not act upon any proposal except upon the recommendation of the Town Council or as provided by § 904 of this Charter nor act upon any appropriation that has not been acted upon by the Town Council and approved by the Board of Finance.

~~Section 503_Special Town Meeting.~~

§ New 903_Actions requiring Town Meeting.

~~Special Town Meetings shall be called by the Town Council for consideration of the following actions:~~

The following actions require a Town Meeting, duly called by the Town Council:

(a)

the issuance of bonds and all other forms of financing, the term of which is in excess of one (1) year.

(b)

any appropriation supplemental to the total annual budget which is in excess of **of one-eighth (1/8th)** of one (1) mill ~~per each thousand dollars~~ of the last completed Grand List of the Town, or any supplemental appropriation if the cumulative total of supplemental appropriations for the current fiscal year shall already exceed **one-half (1/2) of** one mill per each thousand dollars of the last completed Grand List.

(c)

All real estate purchases, sales or transfers, except, however, the Town Council may accept:

1. easements or fee title interest in roads which have been recommended for acceptance pursuant to Connecticut General Statute 8-24 and approved by the Town Planning Commission provided that such roads have been constructed in accordance with the requirements of the Town Road Ordinance in effect at the time of such acceptance.
2. easements, fee title interests in real property and other gifts to be used by the Town in approved municipal improvements, or municipal roads and may exchange, release or abandon easements with the prior recommendation pursuant to Connecticut General Statute 8-24 of the Planning Commission.

(d)

The creation or abolishment of any permanent board, commission, department or agency not otherwise provided for in this Charter.

(e)

Initial applications for state or federal grants involving a local financial share estimated to exceed an amount equal to one-fifth (1/5th) of one (1) mill per thousand dollars on the last completed Grand List.

(f)

Real estate leases and/or lease options to which the Town is a party which involves a term in excess of five (5) years.

(g)

Proposals for municipal improvements disapproved by the Town Planning Commission pursuant to the provisions of Chapter 126 of the Connecticut General Statutes.

The minutes of the Special Town Meeting shall be filed by the Town Clerk in the Town Clerk's Office

~~Section 504~~ **Power of Initiative — Town Meeting Actions.**

§ New 904 **Town Meetings by petition.**

Town Meetings to consider the matters enumerated in Section 903 of this Charter shall be called in the following manner:

(a)

A petition on a form pre-approved by the Town Clerk may be filed with the Town Clerk and, except as otherwise provided herein, the petition shall conform to the requirements of Chapter 90 of the Connecticut General Statutes.

(b)

The petition shall contain the full text of the proposal and shall be signed in ink or indelible pencil by at least two (2) percent of the electors of the Town.

(c)

The petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Chapter 90 of Connecticut General Statutes.

(d)

The Town Clerk shall, within five (5) days after receipt of the petition, determine whether the petition and affidavits are sufficient as prescribed by law and if so, certify said petition to the Town Council.

(e)

Upon receipt of the petition and certification by the Town Clerk, the Town Council shall call a Special Town Meeting for the consideration of the proposal to be held within twenty-one (21) days after the petition is received by the Town Council.

(f)

The Town Council may hold one or more Public Hearings on such proposal prior to its submission to a Town Meeting.

~~In the event that a petition for vote by ballot or voting machine has been filed and certified in accordance with the provisions of Section 7-7 of the Connecticut General Statutes, the Town Meeting, as to any item for which such petition has been filed and certified, shall be held only for the purpose of electing a Moderator, holding a Public Hearing on the proposal and setting a date for such vote.~~

§ New 905 **Submission of matters to voters.**

(a)

The Town Council may, not less than five (5) days prior to any Special Town Meeting, remove the vote on any item on the call of said meeting and submit the same to the voters by vote on the voting machines as provided in Section 7-7 of the Connecticut General Statutes. The Town Council shall set the date for such vote not less than seven (7) calendar days nor more that fourteen (14) calendar days following the Special Town Meeting pursuant to the provisions of said Section 7-7 of the Connecticut General Statutes.

(b)

In exercising the above powers, the Town Council shall first determine that the matter is of sufficient import or significance to merit broad participation by the electors and voters.

(c)

In the event that a petition for vote by ballot or voting machine has been filed and certified in accordance with the provisions of Section 7-7 of the Connecticut General Statutes, the Town Meeting, as to any item for which such petition has been filed and certified, shall be held only for the purpose of electing a Moderator, holding a Public Hearing on the proposal and setting a date for such vote.

Section 906 **Power of Overrule — Town Meeting Actions.**

All actions of the Town Meeting pursuant to the provisions of Sections 408, 409, 902, 903 and 904 of this Charter shall be subject to overrule by a Special Town Referendum in the following manner:

(a)

If, within ten (10) days after any such action of the Town Meeting, a petition, on a form pre-approved by the Town Clerk, conforming to the requirements of Chapter 90 of the Connecticut General Statutes and signed in ink or indelible pencil by at least three (3) percent of the total electors of the Town, is filed with the Town Clerk requesting its reference to the Town voters at a Special Referendum, the effective date of such action, if an affirmative action, shall be suspended.

(b)

Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Chapter 90 of the Connecticut General Statutes.

(c)

The Town Clerk shall, not later than the close of the next business day after receipt of the petition, determine whether the petition and affidavits are sufficient as prescribed by law and if so, certify the petition to the Town Council.

(d)

The Town Council shall then fix the time and place of such Special Referendum which shall be held not less than seven (7) nor more than fourteen (14) days after the certification of the petition, and notice thereof shall be given in the manner provided by law for the calling of a Town Referendum.

(e)

Results of the Special Town Referendum will be executed as follows:

Approval by the Special Town Referendum of the action so referred shall take effect

~~upon the conclusion of such referendum provided that the total number of votes cast be equal to at least ten (10) percent of the qualified electors of the Town, and unless a majority of those persons voting thereon shall have voted in favor of overruling such action.~~

~~A negative action so referred shall be confirmed upon the conclusion of such referendum provided that the total number of votes cast is equal to at least ten (10) percent of the qualified electors of the Town and unless a majority of those persons voting thereon shall have voted in favor of overruling such action.~~

~~In the event a negative action of the Town Meeting is overruled at such Special Referendum as herein provided, said referendum result shall be construed as approving said action rejected by the Town Meeting. The Head Moderator of the referendum shall as soon as practicable but not later than two (2) days after the Special Town Referendum file the results of the Special Town Referendum with the Town Clerk.~~

~~Section 506 **Town Meeting Moderator.**~~

~~All Town Meetings shall be called to order by the Town Clerk and all business conducted in the manner now or hereafter provided by Chapter 90 of the Connecticut General Statutes, except as otherwise provided in this Charter. The Town Clerk shall serve as Clerk of all Town Meetings but in his absence an acting Clerk shall be designated by the Mayor.~~

~~Any Town Meeting may be adjourned from time to time as the interests of the Town may require.~~

~~A moderator for each Town Meeting shall be elected by the Town Meeting to preside at the meeting. The moderator shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by Chapter 90 of the Connecticut General Statutes on Town Meeting Moderators, and such other powers and duties as may be prescribed by the Town Council.~~

~~Town Meetings shall be authorized by resolution of the Town Council, which resolution shall either fix the time and place of such meeting or shall authorize the Mayor to fix such time and place. The Mayor, or in his absence the Acting Mayor, shall give notice of all Town Meetings not less than five (5) nor more than fifteen (15) days in advance by publication in a newspaper having general circulation in the Town, shall post in the Town Clerk's office, and post a notice in a public place provided, however, that this provision shall not apply to the Annual Budget Meeting.~~

~~The Town Council shall be responsible for development of rules and procedures for Town Meetings, which rules and procedures after being adopted by the Town Meeting, shall be permanent unless and until amended by a future Town Meeting and shall be available to the citizens of the Town in printed form. These rules and procedures shall contain among other things:~~

~~**(a)**~~

~~A procedure for holding Public Hearings prior to Town Meetings.~~

~~**(b)**~~

~~Procedures for qualifying and identifying those eligible to vote at Town Meetings in accordance with Chapter 90 of the Connecticut General Statutes and method of voting at Town Meetings.~~

~~**(c)**~~

Such other information deemed necessary or desirable to carry out this section.

CHAPTER IX: Police Department

Section 901 Police Department.

~~The Town of New Milford shall have an organized police department which shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property, and enforcement of the laws of the State and the ordinances of the Town and all rules and regulations made in accordance therewith. All members of the Department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the Connecticut General Statutes.~~

~~The Mayor, with the approval of the Town Council, shall appoint a Chief of Police for a definite term not to exceed four years, and upon the expiration of any such term, may reappoint the Chief of Police in like manner for successive terms not to exceed four years each. During any such term or appointment, the Town Council may remove the Chief of Police from office for cause upon written charges presented by the Mayor in the procedural manner prescribed by Section 7-278 of the Connecticut General Statutes.~~

~~All powers concerning the management and supervision of the Police Department hereafter conferred on the Mayor or otherwise conferred by law shall be executed by and through the Chief of Police who shall be directly responsible to the Mayor for the proper execution thereof.~~

~~The Mayor, acting through the Chief of Police, shall have the general management and supervision of the Police Department and of the equipment and facilities used in connection therewith. He shall make all needful regulations for the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer, member or employee of such Police Department.~~

~~The Mayor shall establish a system for the review of civilian complaints against officers, members and employees of the Police Department and shall submit the procedures establishing such system for the review of civilian complaints to the Town Council for its approval.~~

~~Except as provided for the Chief of Police, all appointments, promotions and removals from office of officers, members and employees of the Police Department shall be made by the Chief of Police with the approval of the Mayor, under such procedures as are adopted for such purpose, and the appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing.~~

CHAPTER X: Town Employees

Section 1001_General.

The Mayor shall establish and maintain, for all Town employees except employees of the Board of Education, position descriptions, a pay plan, personnel guidelines, and such other provisions as he may deem to be appropriate and necessary. Any such descriptions, plan, guidelines and provisions in effect at the time of adoption of this Charter shall remain in effect until amended or repealed, upon recommendation of the Mayor, by resolution of the Town Council.

Section 1002_Position Descriptions and Pay Plan.

There shall be a statement of the duties and responsibilities of each position in the Town service, and a pay plan for all such positions. Upon recommendation of the Mayor, by resolution of the Town Council, this statement and pay plan shall be approved, and may be amended. In the same manner, new or additional positions may be created and changes in the duties and responsibilities of existing positions may be made.

Section 1003_Personnel Guidelines.

There shall be a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, conflict of interest, ethical standards, removals and such other rules as may be necessary to provide an adequate and systematic procedure for the administration of the personnel affairs of the Town. Upon recommendation of the Mayor, by resolution of the Town Council, such rules shall be approved, and may be amended. Copies of the rules and any amendments thereto shall be filed with the Town Clerk and shall be distributed to all Town employees.

Section 1004_Retirement of Town Employees.

The provisions of the pension plan for Town employees in force on the effective date of this Charter shall remain in full force and effect until such time as the plan is amended by ordinance.

CHAPTER XI: Transition and Miscellaneous Provisions

Section 1101_Transfer of Powers.

(a)

The powers which are conferred and the duties which are imposed upon any commission, board, department, agency or office under the General Statutes or Special Acts concerning the Town or any ordinance or regulation, in force at the time this Charter shall take effect, if such commission, board, department, agency or office is abolished by this Charter or superseded by the creation herein of a new commission, board, department, agency or office to which are granted similar powers and jurisdiction, shall be thereafter exercised and discharged by the commission, board, department, agency or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter.

(b)

All commissions, boards, departments or offices abolished by this Charter, whether elective or appointive shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments, agencies or offices created under this Charter and until the Town Clerk shall have notified the members of such commission, board, department, agency or office as are abolished by this Charter that their successors have qualified.

(c)

All elected and appointed officials and elected members of boards and commissions whose offices and positions are not abolished by this Charter and whose terms of office do not expire until after the effective date of this Charter shall remain in office until the expiration of their terms or until their successors are elected and qualified.

Section 1102_Present Employees to Retain Position.

All employees and appointive officials of the Town on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Town Council or the appropriate officer charged by this Charter with powers of appointment or removal. Any provisions of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any commission, board, department, agency or office thereof, shall continue to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter.

Section 1103_Transfer of Records and Property.

Any records, property and equipment whatsoever of any commission, board, department, agency or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department, agency or office by this Charter, shall be transferred and delivered intact forthwith to the commission, board, department, agency or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department, agency or office are by this Charter assigned to another commission, board, department, agency or office all records,

property and equipment relating exclusively thereto shall be transferred and delivered intact forthwith to the commission, board, department, agency or office to which such powers and duties are so assigned.

Section 1104_Continuation of Appropriations and Town Funds.

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

Section 1105_Legal Proceedings.

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

Section 1106_Existing Laws and Ordinances.

All general laws of the State of Connecticut applicable to the Town and all ordinances of the Town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. The provisions of all Special Acts of General Assembly relating to the Town of New Milford, not inconsistent with the provisions of this Charter are hereby retained. All references in this Charter to the "General Statutes" or "Connecticut General Statutes" shall mean the Connecticut General Statutes.

Section 1107_Amendment of Charter.

This Charter may be amended in the manner prescribed by state statutes. The Town Council shall review the special provisions of this Charter from time to time as it deems such review to be in the best interest of the Town, but not less often than once every five (5) years, said review to be published as part of the Annual Town Report.

Section 1108_Saving 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 the section to which such ruling shall directly apply.

Section 1109_Effective Date.

The effective date of this Charter shall be **December 6, 2018**, and shall become effective upon approval by a majority of the Town electors voting hereon at a regular or special election as determined by the Town Council and in accordance with the provisions of Chapter 99 of the General Statutes.

Section 1110_Words in the Masculine Include Feminine Gender.

With respect to this Charter, words in the masculine include the feminine gender.

Section 1110_Ethics and Conduct

The Town Council shall be responsible for maintaining, through Ordinance, a Code of Ethics, pertaining to all town officials, in accordance with Section 7-148h of the Connecticut General Statutes. Upon commencement of a Charter Revision Commission, the Town Council shall review the Code of Ethics for potential revisions.