



DRAFT REPORT OF THE 2024

WOLCOTT CHARTER REVISION COMMISSION

May 22, 2024

EXECUTIVE SUMMARY

The 2024 Wolcott Charter Revision Commission was established by resolution of the Wolcott Town Council on December 19, 2023. Thereafter, on January 23, 2024, the Town Council appointed five members to serve on the Commission, James S. Paolino, Roger A. Harbanuk, Paul Mazurek, Roger Picard and Wendie A. Rodriguez. The Commission held its organizational meeting at the Wolcott Town Council Chambers on February 20, 2024, at which time James Paolino was elected to serve as Chairman of the Commission, and Roger Harbanuk was elected to serve as the Vice Chairman. The Wolcott Town Attorney, Michael G. Tansley, was selected by the Commission to assist it in its statutory duties. The Commission then voted to schedule its first public hearing in accordance with § 7-191 (a) of the General Statutes.

The public hearing was held in the Council Chamber on March 11, 2024. Attorney Tansley presented a number of proposed revisions to the Charter as noted in a memorandum he provided the Commission. Town Council Chairman Rachel Wisler and Council Member Joseph Skerritt, Jr. also spoke with respect to suggested changes in the Charter. No other members of the public spoke at the public hearing. The Commission held a regular meeting directly after the public hearing and voted to have Attorney Tansley draft the proposed revisions that were discussed at the public hearing and to present them at the next Commission meeting.

Thereafter, the Commission met on May 15, 2024, and the requested written revisions to the Charter were presented.¹ After the presentation and resulting discussion, the Commission voted to accept and adopt the revisions as its draft report and to schedule a public hearing on the report as required by § 7-191 (a) of the General Statutes.

A public hearing on the draft report was held on May 21, 2024, in the Council Chambers, at which time Town Council Chairman Rachel Wisler and Registrar of Voters Anthony Gugliotti spoke and offered their support for the proposed changes. No other members of the public provided comments. The Commission conducted its regular meeting after the close of the hearing where a motion was made and approved to amend the draft report to include this written summary of the Commission's activities.

The Charter Revision Commission believes that the proposed revisions help clarify certain procedures in the Charter and resolve potential conflicts with state statutes without negatively impacting its existing substantive provisions and the policies contained therein. We respectfully request the Town Council to favorably act upon the proposed revisions attached hereto as **Exhibit A** in accordance with General Statutes § 7-191.

Respectfully Submitted,
Wolcott Charter Revision Commission

By 
James S. Paolino, Its Chairman

¹ An earlier meeting of the Commission was held on April 15, 2024. Because the meeting notice and agenda were inadvertently not posted, the meeting was held again on May 15, 2024.

EXHIBIT A
DRAFT REPORT
2024 Wolcott Charter Revision Commission
Proposed Revisions to the Wolcott Town Charter
Blue type with brackets signify a deletion.
Red type signifies an insertion.

CHAPTER I
INCORPORATION AND GENERAL POWERS

SEC. 101. INCORPORATION. All the inhabitants dwelling within the territorial limits of the Town of Wolcott, as it exists, shall continue to be a municipality under the name of "The Town of Wolcott", hereinafter called "The Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges exercised by said Town and not inconsistent with the provisions of this Charter, the additional powers herein conferred and all powers and privileges conferred upon the Town under the general laws of the State.

SEC. 102. RIGHTS AND OBLIGATIONS. All property, both real and personal, all rights of action and rights of every description, and all securities and liens vested or in process in said Town as of the effective date of the Charter, are continued in said Town, and said Town shall continue to be liable for all debts and obligations of every kind for which said Town shall be construed to affect the right of said Town to collect any assessment, charge debt or lien. If any contract has been entered into by said Town prior to the effective date of this Charter or any bond undertaking has been given by or in favor of said town which contains provisions that the same may be enforced by any commission, board, department or officer herein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired, but shall continue in full force and effect, and the powers conferred and the duties imposed with reference to the same upon any such commission, board, department or officer shall, except as otherwise provided in the Charter, thereafter be exercised and discharged by the Mayor of said Town.

SEC. 103. GENERAL GRANT OF POWERS. The Town shall have, in addition to the powers specifically granted by the Charter, all powers fairly implied in or incident to the powers expressly granted herein and all affairs of the Town, including the power to enter into contracts with political subdivisions thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other Chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

SEC. 104. EXISTING LAWS AND ORDINANCES. All general laws in their application to the Town and all ordinances, rules, and regulations of the Town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. All special acts or parts of special acts relating to the Town of Wolcott, inconsistent with the provisions of this Charter, are repealed.

SEC. 105. ROBERTS RULES OF ORDER NEWLY REVISED.

(a) All Boards, Commissions, Agencies, Committees, and all other public meetings shall conduct their meetings under Roberts Rules of Order Newly Revised unless or until such time that said body determines its own rules and procedures except as herein provided.

CHAPTER II OFFICERS AND ELECTIONS

SEC. 201. MUNICIPAL ELECTIONS. A meeting of the electors of the Town of Wolcott for the election of municipal officers shall be held on the first Tuesday after the first Monday in November of the first odd numbered year following the adoption hereof and biennially thereafter. Meetings of the electors to vote in special elections or referenda shall be called by the Council unless otherwise provided by General Statutes.

SEC. 202. ELECTIVE OFFICERS.

(a) At each municipal election there shall be elected nine (9) members of the Town Council hereinafter referred to as the Council. There shall be three (3) members of the Council elected from each of the three (3) voting districts. Each political party shall nominate two (2) candidates from each of the three (3) districts. This shall not preclude an individual from running in his district as provided in General Statutes. The three (3) candidates having the largest number of votes from each of the three districts will serve on the Council. All electors in the Town will be eligible to vote for two (2) candidates in each district. **[The maximum number of members, as defined by Section 402 of this Charter of the same political party shall serve on any elected Board, Commission, or the Council and] No more than six (6) members of the Council shall be of the same political party, provided further however, that** no more than 2 members of the same political party shall serve on the Council from any single district. For the purposes of this section, political party **[is defined as the party of endorsement] shall be determined in the same manner as set forth in General Statutes § 9-167a (g), as may be amended.**

(b) In addition to the Council, there shall be elected: a Mayor; a Treasurer; a three (3) member Board of Assessment Appeals, a five (5) member Zoning Board of Appeals, not more than three (3) of whom shall be members of the same party; a nine (9) member Board of Education, not more than six (6) of whom shall be members of the same party; six (6) constables with a maximum of three (3) from any party. The duties of the constable shall be limited to civil actions. The terms of these offices shall be for two years.

(c) There shall be a Tax Collector, a Town Clerk and Registrars of Voters, all to be elected for a term of four (4) years. The Registrars will be elected in accordance with Section 9-190 of the Connecticut General Statutes.

(d) Justices of the Peace shall be chosen in the manner provided in Section 9-184 of the Connecticut General Statutes for a term of four (4) years.

(e) All elective officers shall hold office until their successors have been chosen and qualified. All elective offices, with the exception of the **Mayor**, Council, Town Clerk, Board of Education, and Registrars of Voters, shall take office on the first Monday following election. The Town Council shall take office as herein provided. The Town Clerk and Registrars of Voters shall take office in accordance with General Statutes. The Board of Education shall take office within seven (7) days following election.

(f) Except as otherwise provided by this Charter, all elective town officers, boards and

commissions shall have those powers and duties prescribed by law.

SEC. 203. CONDUCT OF ELECTIONS. All caucuses and meetings of electors for the nomination and election of officers or in special elections shall be called, held and conducted as provided, by the officials designated in the General Statutes.

SEC. 204. BREAKING A TIE.

(a) When as a result of any municipal or special election held under the provisions of this Charter for the offices of Mayor, Treasurer, Town Clerk, and Tax Collector, or in the case of a question, it is necessary to break a tie, a special election confined to the tied candidates or questions shall be called by the Council to be held on the twenty-first day after said election to determine who shall be elected, or in the case of a question raised by a referendum or a Charter amendment petition, whether it shall be decided in the affirmative or negative. All voting machines concerning the returns from which there is no disagreement may be unlocked and paper ballots may be used in such election if voting machines are not available in sufficient numbers.

(b) If a tie occurs in any other elective office, the choice shall be determined between the tied candidates by lot under the supervision of the Head Moderator of the election in which the tie occurred.

SEC. 205. ELIGIBILITY. No person shall be eligible for elective Town Office who is not at the time of his or her election a resident elector of said Town, and any person ceasing to be a resident elector of said Town shall thereupon cease to hold elective office in the Town upon certification by the Registrars that such person has ceased to be a resident elector. No person shall be eligible for election to any Town office who is not at the time of nomination and election a resident of the Town and qualified to vote for that office. Any person ceasing to be a resident elector of the Town, or in the case of district Council members, a resident elector of the district, shall thereupon cease to hold elective office in the town or district. No Council members shall have their office vacated by reason of a district boundary change until completion of their term of office.

SEC. 206. VACANCIES.

(a) A vacancy in any elective Town Office, excepting the office of Mayor, from whatever cause arising, shall be filled by appointment by the Council within forty-five (45) days of such vacancy, for the unexpired portion of the term of such office or until the next biennial election, whichever shall be sooner.

(b) If there is a biennial election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term.

(c) If the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by appointment from the ranks of the political party. The Town Committee of the political party will designate a candidate, whose appointment by the Council shall be mandatory. Said political party will have thirty (30) days in which to present a name to fill such vacancy from the day that it is formally notified that such vacancy exists and failure to act within aforesaid thirty days will result in allowing the appointing authority to fill the vacancy from the ranks of the same political party in which the vacancy occurred. If the person vacating the office shall have been elected from a district, such vacancy shall be filled by appointment of

a person from that same district, as well as the same political party.

(d) If the person vacating the office is not a member of a political party or was not an endorsed candidate of a political party, such vacancy shall be filled by the next highest vote getter for that office that is available from the prior election. In the case of the Town Council, such vacancy shall be filled by the next highest vote getter for the council in that District that is available from the prior election.

CHAPTER III THE TOWN COUNCIL

SEC. 301. THE COUNCIL. There shall be a Town Council consisting of nine (9) members, hereinafter referred to as the Council. No member of the Council shall hold any other office, or position, on any board or commission including but not limited to any Charter Revision Commission under the government of the Town of Wolcott, except as hereinafter provided.

SEC. 302. CHAIRMAN

(a) The Council shall meet at **[8:00] 7:00** P.M. on the second Wednesday following its election to organize and to elect a Chairman and a Vice-Chairman This will be the first order of business. The Mayor will preside, without vote, over the Council until this order of business is completed. The Chairman of the Council shall have a regular vote only. The Chairman shall preside over all meetings of the Council and perform such other duties consistent with his or her office as may be imposed by the Council. Unless otherwise specified herein, during his or her absence or disability, his or her duties shall be performed by the member of the Council chosen by the Council as Vice-Chairman. The Chairman of the Council is an ex-officio member, without vote, of all Legislative Committees. The Town Council shall make no contracts, verbal or written, from the date of the election, until the successor council has been sworn in.

(b) The Town Committee of each political party shall have submitted in writing, within thirty (30) days after the first meeting of the new Council, its designees for majority leader and minority leader respectively. The Council shall then accept and certify said designees.

SEC. 303. CLERK. The Council shall appoint a clerk, who shall keep a record of all proceedings of the Council in accordance with Connecticut General Statutes.

SEC. 304. MEETINGS. The Council shall, at its first meeting or as soon thereafter as possible, establish by resolution a place and time for holding its regular meetings, and shall meet at least once a month. Said Council shall provide a method for the calling of special meetings and no matter shall be considered at such special meetings which was not included in the call.

SEC. 305. PROCEDURE. The Council shall operate under Roberts Rules of Order Newly Revised unless or until such time that said Council determines its own rules and procedures except as herein provided. A bare majority shall constitute a quorum provided no ordinance, resolution or vote, except a vote to accept minutes of the previous meetings, to adjourn, or to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes. All ordinances or resolutions shall be confined to one subject which shall be clearly stated in the title.

The Council shall keep for public inspection, minutes in accordance with Connecticut General

Statutes, which shall be the official record of its proceedings. The record, so kept, shall be authenticated for each meeting by the signature of the presiding officer upon its acceptance by the Council.

SEC. 306. GENERAL POWERS AND DUTIES OF THE COUNCIL.

(a) The Council shall have the powers and duties which, prior to the effective date of this Charter, were conferred by law upon existing Boards, Officers and Commissions of said Town except as otherwise specifically provided in the Charter, the Connecticut General Statutes or in The Constitution of the State.

(b) The legislative power of the Town shall be vested exclusively in the Council except as otherwise specifically provided in this Charter.

(c) The Council shall have the power to make, alter or repeal ordinances, not inconsistent with this Charter or the General Statutes of the State, creating or abolishing Boards, Commissions, Departments and Offices and for the preservation of the good order, peace, health and safety of the Town and its inhabitants provided no such ordinance shall be enacted without a public hearing held thereon except as hereinafter provided.

(d) The Council may contract for services and the use of facilities of the State or any political subdivision thereof. It may, by agreement, join with any such political subdivision to provide services and facilities.

(e) The Council is authorized in adopting ordinances to incorporate any recognized code, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the State, by reference thereto in such ordinance. Upon the adoption of any ordinance wherein any such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of the same, in the Office of the Town Clerk, for examination by the public.

(f) Said Council shall determine the compensation including salary and medical insurance cost share of the Mayor, the Registrars of Voters, Town Clerk, Tax Collector, Treasurer, Board of Assessment Appeals, succeeding Council and the officers and employees appointed by the Council. Once the Council has established the compensation of an elected official serving a two (2) year term, said compensation shall neither be increased nor decreased until after the expiration of that term. Increment pay increases shall be instituted as follows: Increment #1 shall begin with the first pay period after the November election; increment #2 shall begin with the first pay period in November of the following year. The Council may adjust the compensation of any official serving a four (4) year term every two (2) years under the same restrictions as herein provided. Town Clerk and the Registrars of Voters incremental pay shall begin with the first pay period of their term and continue under the same restrictions as herein provided. Council shall determine the charges, if any to be made for services by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter, for the government of the Town and its business.

(g) The Council shall be the budget making authority of the Town and shall have control of the finances of the Town and may, at its discretion, appoint a Finance Committee of which at least one member shall be a member of the Council. The duties of this Committee shall be as directed by the Council.

(h) The Council shall authorize the Mayor to execute for and on behalf of the Town, bonds, notes and other evidence of indebtedness and also, to sign contracts and agreements other than purchase and employment contracts under the jurisdiction of the Mayor or the Board of Education. Any purchase contract or order involving an expenditure which exceeds \$150,000.00 within the then current fiscal year for any item or service or multiple items or services of like kind, or which requires expenditures under the jurisdiction of the Mayor to be made in subsequent fiscal years, shall require Town Council approval. Collective Bargaining Agreements between the Town and duly recognized and constituted unions, other than those agreements under the jurisdiction of the Board of Education, shall require Council approval. On recommendation of the Mayor, the Council shall have authority to approve purchase of real property, or the sale of Town owned real property, up to \$150,000.00 Any amount in excess of \$150,000.00 to \$200,000.00 must be brought to a Town Meeting. Dollar amounts in this subsection shall be increased in five (5) years by ten (10)%. Any amount in excess of this must be brought to a Town Referendum. However, it shall not be permissible under this provision for the Council to approve the purchase or sale of any contiguous pieces of real property within a two (2) year period, unless the purchase or sale of all real properties involved occurs simultaneously, in which case, the aggregate amount of all real properties involved shall be subject to the aforementioned dollar limitations.

(i) The Council shall have the power to remove for cause, after a hearing, any appointee made by the Council to any Board, Commission or Agency authorized under this Charter. On any Board, Commission or Agency in which the Council has appointing authority, per this Charter, the Council shall fill any subsequent vacancy.

(j). INVESTIGATION. The Council shall have the power of fiscal investigation in any and all departments, offices and agencies of the Town and for such purposes may in addition to the powers granted in Section 306(j) of this Charter, order special audits, refer matters to the Ethics Commission, or request assistance from local, state, and federal law enforcement agencies, the State's Attorney's Office, or any other agency having jurisdiction over the matter or matters under investigation.

(k). RELATIONS TO ADMINISTRATIVE SERVICE. Neither the Council nor any of its members shall direct or request the appointment to or removal of any person from any office or employment which the Mayor or any of his appointees are empowered to fill. The Mayor may seek advice from the Council regarding appointments. The Council may prefer charges in writing against any officer or employee appointed by the Mayor. The Council and its members shall deal with administrative service solely through the Mayor. Neither the Council nor any member thereof shall give any order to any of the subordinates of the Mayor either publicly or privately. A properly constituted meeting of the Council, which the Mayor has been invited to attend, may call before it any employee or officer for the purpose of investigation.

(l). FISCAL YEAR. The Council shall have power to adjust the fiscal year of the Town to coincide with the tax year or to adjust either or both to the end that they may coincide.

(m) The Council shall conduct a review of the Charter every five years from its effective date to determine whether the appointment of a Charter Revision Commission would be beneficial. This provision shall not prevent the Council from reviewing the Charter for such purpose at any other time if the Council so elects. Notwithstanding the foregoing, no appointment of a Charter Revision Commission, or amendment of the Charter shall be made except in accordance with

Section 906 of this Charter.

(n) The Council shall nominate one or more of its members to represent the Town on the board of any organization or corporation, to which the Town has contributed more than two thousand five hundred dollars (\$2,500.00.) Such liaison(s) so appointed shall serve only as a channel or channels of communication back to the Council and shall have no voting power on said boards.

(o) The Council shall annually prepare and have published a Town report in accordance with Section 7-406 of the Connecticut General Statutes as the same may be amended from time to time.

SEC. 307. ORDINANCES.

(a) At least one public hearing, notice of which shall be given at least five days in advance by publication in summary in a newspaper having a circulation in said Town and by posting a notice in a public place and a full publication on the towns website, shall be held by the Council before any ordinance, including ordinances originating under Section 308 of this Charter shall be passed except an ordinance relating to the appointment or designation of officers, or to the Council or its procedure.

(b) Every proposed ordinance except those relating to the election, appointment or designation of officers of the Council, as may be provided herein, or an ordinance relating to the Council or its procedures, shall, before it becomes effective, be certified by the Mayor except as otherwise provided in sub-part (c) of this section.

(c) All such ordinances, except as otherwise provided, prior to certification must pass by an affirmative vote of a majority of the entire Council. The Mayor shall within ten (10) days after adoption by the Council, sign the proposed ordinance if he or she approves it, whereupon it shall be effective, unless a later date is provided in such ordinance, on the twenty-first (21st) day following its publication. If the Mayor disapproves a proposed ordinance, he or she shall within ten (10) days return it to the Chairman of the Council with a statement of the reason for his or her disapproval, which statement shall be transmitted to the Council at its next meeting. If the Council shall pass the proposed ordinance by an affirmative vote of at least two-thirds (2/3) of the entire Council at such next meeting, but not later than twenty-one (21) days after such ordinance has been returned with the Mayor's disapproval, it shall become effective twenty-one days after publication unless a later date is provided in said ordinance. Immediately following such meeting, the Council will give the Mayor written notification of its overriding action. If the Mayor does not approve or disapprove the proposed ordinance within the time required, it shall become effective without his or her approval twenty-one (21) days after publication unless a later date is provided in said ordinance.

(d) Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a book to be kept for that purpose which shall be properly indexed. The Council shall also submit a copy of each ordinance after passage to the Town Clerk and the various Boards and Departments involved. Within ten days after final passage, all ordinances shall be given a summary in a newspaper having circulation within the Town referring to the full publication posted on the town website. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its final passage, provided an ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after such publication and no public hearing or

notice of public hearing shall be required for any public emergency measure.

SEC. 308. POWER OF INITIATIVE. The electors shall have the power to propose to the Council any ordinance or resolution appointing or removing officials, appropriating money, authorizing the levy of taxes or fixing the tax rate. Such a proposal shall be made by filing with the Town Clerk a petition making such proposal signed in ink or indelible pencil by not less than fifty qualified electors of the Town on the last completed voting list. The Town Clerk shall notify the Chairman of the Council within 7 days upon receipt of the petition. If the Council shall fail or refuse to adopt the proposed ordinance within 32 days after the Council meeting following the filing of the petition with the Town Clerk, a second petition may be filed with the town Clerk for a referendum on such proposed ordinance or other measure. Such second petition shall be signed in ink or indelible pencil by not less than 5% of the qualified electors of the Town on the last completed voting list and shall be filed within 52 days after the filing of the original petition. Such proposed ordinance or other measure shall be submitted to a referendum not less than 10 nor more than 20 days after the filing of such second petition, and if it shall receive a majority vote at such referendum, it shall be enacted, provided not less than 25% of the qualified electors of the Town on the last completed voting list shall have voted at such referendum. Any referendum held under this section shall be conducted in the manner provided in the General Statutes and the Town Clerk shall proceed in the manner set forth therein. No ordinance or other measure which shall have been adopted in accordance with the provisions of the section shall be repealed or amended by the Council except by petition and vote of the electors as provided herein.

SEC. 309. POWER OF REFERENDUM

(a) The electors shall have the power to approve or reject at a referendum any ordinance or other measure passed by the Council, except an ordinance or resolution appointing or removing officials, authorizing the levy of taxes or fixing the tax rate. The electors shall have the power to approve or reject at a referendum the town budget as presented by the Town Council. Ordinances or other measures submitted to the Council as provided in Section 308 and passed by the Council without change shall be subject to a referendum in the same manner as other ordinances or measures. Within twenty (20) days after the publication of an ordinance or other measure which is subject to referendum, a petition may be submitted to the Town Clerk. Such petition shall be addressed to the Council and shall be signed in ink or indelible pencil by qualified electors of the Town equal in number to at least 10% of the electors on the voting list. The Town Clerk shall proceed as prescribed by General Statutes as to referenda. If the number of qualified signatures, as certified by the Town Clerk, equals or exceeds 10% of the electors on the voting list and the Council fails or refuses to repeal such ordinance or other measure at its meeting next following the delivery of the petition to the Chairman of the Council, the question of repeal shall be submitted to a vote of the electors at a referendum which must be called by the Council to be held not less than twenty (20) days nor more than thirty (30) days after said meeting of the Council. Upon submission of the petition to the Town Clerk as above provided, the ordinance or other measure shall remain without effect until either:

- (1) The first meeting of the Council following delivery of the petition by the Town Clerk to the Chairman of the Council with a certification showing that the number of signatures is insufficient which fact shall be recorded upon the minutes of the Council.
- (2) The question of repeal has been decided in the negative by a vote of the electors at the referendum at which not less than 25% of the electors on the voting list shall have

voted.

(3) Less than 25% of the electors on the voting list shall have voted.

(b) The Power of Referendum may also be exercised by the affirmative vote of at least seven members of the Council present and voting.

SEC. 310. FORM OF PETITION FOR INITIATIVE OR REFERENDUM. The form of petition for initiative or referendum shall be as follows:

WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.

We, the undersigned electors of the Town of Wolcott, hereby present this petition under the provisions of Sections 308 or 309 of the Town Charter, (here insert the word "initiating" or the words "requesting the repeal of") the following ordinance or other measure (here insert the text of the ordinance or other measure) and we certify that we are electors of the Town of Wolcott residing at the addresses set opposite our names, and that we have signed this petition on the dates opposite our names and not more than once. (Here follow the signatures, dates and addresses.)

| | | |
|-----------|------|---------------|
| Signature | Date | Number Street |
|-----------|------|---------------|

Each page of such petition shall contain a statement, signed under penalties of false statement as defined in Section 53a-157b of the Connecticut General Statutes, by the person who circulates the same, setting forth such circulator's name and address, and shall be in the form as follows: "I certify that I am an elector in the Town of Wolcott and each person whose name appears on this page signed the same in person in my presence and such person is known to me or has satisfactorily identified himself/herself to me." Any page of a petition which does not contain such a statement by the circulator shall be invalid.

**CHAPTER IV
BOARDS, COMMISSIONS AND DEPARTMENTS**

SEC. 401. TERMS OF OFFICE

- (a) Except as in ad hoc assignments, and as provided for in Section 407 and Section 410 all members of boards, commissions and committees shall be appointed by the appointing authority for a two-year term. The terms of all such appointees shall terminate on the same date as the term of the appointive authority except such appointees shall continue to serve until their successors are appointed and qualify.
- (b) Boards, commissions, and committees charged with ad hoc assignments as opposed to standing committees will serve until the assignment has been completed or eliminated.
- (c) All members of all appointed boards, committees, commissions and ad hoc committees shall serve without monetary compensation, monetary value or in-kind benefit, whatsoever.

SEC. 402. MINORITY REPRESENTATION. (a) Minority representation on all boards,

commissions, committees, departments, or similar bodies, whether elective or appointive shall be in accordance with the following table:

| Total Membership | Maximum Number of Members of the Same Political Party |
|------------------|--|
| 3 | 2 |
| 4 | 3 |
| 5 | 3 |
| 6 | 4 |
| 7 | 4 |
| 8 | 5 |
| 9 | 6 |

[(a) (b)] Those boards, commissions, committees, departments, or similar bodies, whether elective or appointive with more than nine (9) members shall have no more than 2/3 of their members from the same political party.

[(b) (c)] Vacancies in appointed positions shall be posted on the Town website for a minimum of five days prior to the appointing authority taking action on any final appointments. Any person affiliated with a party or not so affiliated shall have the ability to submit their name to the appointing authority. The appointing authority shall give due consideration to the recommendations of the major political parties before final appointments are made.

(d) General Statutes § 9-167a and all of its parts, as may be amended, shall apply to all boards, commissions, committees, departments, or similar bodies, whether elective or appointive, with respect to minority representation, excepting therefrom, however, the Town Council which shall be governed in accordance with Sec. 202 of this Charter. Notwithstanding the foregoing, in applying the minority representation rule contained in Sec. 202 to the Town Council, political party shall be determined in the same manner as set forth in Connecticut General Statutes § 9-167a (g), as may be amended.

SEC. 403. MODERATOR. The Council shall appoint a Moderator and a Deputy Moderator whose duties shall be to conduct such Town Meetings as may occur. The Council shall designate rules of order for the conduct of said meetings at the time the Moderator and Deputy Moderator are appointed.

SEC. 404. LIBRARY BOARD OF **[DIRECTORS] TRUSTEES**. The Town Council shall appoint a Library Board of **[Directors] Trustees** to consist of **[seven (7)] nine (9)** electors of the Town, not more than **[four (4)] five (5)** of whom shall belong to any one political party. The Library Board of **[Directors] Trustees** shall appoint the Town Librarian and library employees and carry out all other duties as prescribed by General Statutes and Town Ordinance. Terms of office shall be consistent with this Charter.

SEC. 405. ZONING BOARD OF APPEALS-ALTERNATES. The Council shall appoint three (3) alternates to the Zoning Board of Appeals, not more than two of whom shall belong to any one political party, with duties as prescribed by General Statutes. Their terms shall run concurrent with those of the elected members of the Zoning Board of Appeals.

SEC. 406. BUILDING CODE BOARD OF APPEALS. The Council shall appoint a Building Code Board of Appeals consisting of three (3) electors of the Town, not more than two (2) of whom shall belong to any one political party, with duties as prescribed by State Ordinance, and with terms to be consistent with provisions of this Charter.

SEC. 407. BOARD OF ETHICS.

(a) A Board of Ethics is hereby created which shall consist of no less than three (3) and no more than five (5) members, the exact number to be provided by ordinance, serving without compensation who shall be appointed by the Council and who shall be resident electors of the Town.

(b) No member shall be an employee of the Town or hold any appointed or elected office of the Town.

(c) Notwithstanding any provision of this Charter to the contrary, the initial term of such members shall be staggered as provided by ordinance of one (1), two (2), and three (3) years respectively. Upon the expiration of each of such terms, the vacancies shall be filled by a term of three (3) years.

(d) The duties and authority of said Board shall be as prescribed by Sections 7-148h and 182a subsections (a) to (e) inclusive of the Connecticut General Statutes and local ordinance.

SEC. 408. CHIEF OF POLICE.

(a) The Mayor, with the approval of the Council, shall appoint a Chief of Police. The term of employment shall be for a period of no more than three (3) years renewable upon reappointment by the Mayor with the approval of the Town Council. The Chief of Police shall be responsible to the Mayor and may be removed only for cause, with approval of the Town Council and pursuant to General Statutes.

(b) The Chief of Police shall assign to, and may remove from, their respective posts, shifts, details and duties, all officers and employees of the department. He or she shall establish written rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. He or she shall be answerable to the Mayor for the efficiency, discipline and good conduct of the department, and for the care and custody of all property used by the department. Any appointments to the department must be made with the recommendation of the Chief of Police and the approval of the Mayor. Any promotions in the department must be made with the recommendation of the Mayor and Chief of Police.

(c) Subject to the approval of the Mayor, the Chief of Police shall appoint, and may remove for cause, a dog warden, whose powers and duties shall be those as defined by General Statutes.

(d) All officers and other members of the Police Department who have attained tenure under the written rules of the department may be removed only for cause. Disobedience to the lawful orders, rules and regulations of the Chief of Police shall be grounds for appropriate disciplinary action and any disciplinary removal must be by recommendation of the Mayor and Chief of Police with approval of the Town Council.

(e) The police chief shall submit to the Town Council a promotion policy and organizational

chart for approval within three months of ratification of this charter. No promotions may be made without a current Council approved promotion policy and organizational chart in place. Promotions within the Police Department shall be made according to the approved promotion policy and organizational chart. All promotions recommended by the police chief in accordance with the approved promotion policy and organizational chart shall be submitted to the Mayor **[and the Town Council]** for final approval. Subsequent revisions to the Police Department promotion policy and organizational chart must be submitted to the Town Council for approval.

[(A) CIVILIAN POLICE REVIEW BOARD

(a) General: There shall be a Civilian Police Review Board (CPRB), which will receive, investigate and make appropriate recommendations to the Mayor and Chief of Police of the Town of Wolcott regarding complaints of citizens not excluding employees of the Police Department, against members of the Wolcott Police Department and/or civilian employees thereof.

(b) Powers and Duties of Board: The CPRB shall be notified by the Mayor's Office, the Chief of Police and or any individual member of CPRB of any and all complaints against members of the Wolcott Police Department and/or civilian employees thereof whether such complaints be written, oral or anonymous.

The CPRB shall be provided with all police documents, reports, electronic transmission, videotape and any other transcriptions related to any civilian complaint. (The Chief of Police may take appropriate actions to maintain the security of police documents, reports, electronic transmissions and videotape reviewed by CPRB) The CPRB may request the Chief of Police conduct appropriate internal affairs investigations of serious complaints against members or civilian employees of the police department. The CPRB shall review the conclusions of any internal affairs investigation of a complaint prior to any disciplinary action being taken and recommend further investigation to the Chief of Police if appropriate. The CPRB may request written statements made under oath through the Chief of Police from any member or civilian employee of the department and of the complainant in order to fully investigate any complaint. The CPRB shall make a written report of their investigation and findings and their recommendation as to discipline to be taken if any regarding all complaints, when appropriate, to the Mayor and Chief of Police, however, the CPRB shall not have authority to impose discipline. The Chief of Police and/or Mayor, where appropriate, shall make the decision regarding discipline. The Chief of Police and/or Mayor shall explain his or her disciplinary action in writing for each complaint if different from the recommendation of the CPRB.

(c) The Civilian Police Review Board shall consist of five members, no more than three of whom shall be members of the same political party.

(i) Town Council Representative: One Town Council member shall serve as a liaison to the CPRB.

(ii) Appointments; term of office. No later than January 1, 2011, the Mayor with Town Council approval shall appoint five (5) members for a term of two (2) years and thereafter, in accordance with Section 401.

(iii) No Compensation. Members shall serve without compensation.

(d) Organization of Civilian Police Review Board: During January 2011 and January of each odd numbered year thereafter, the Board shall select from among its members a chair, vice chair and such other officers as it may desire.

(i) Secretary and record keeping. The Mayor shall appoint a secretary to the Board which secretary may not be a member of the Board. The Town Clerk shall act as record keeper for the Board.

(ii) Meeting Schedule. The Board shall meet no less than two times per year. The organizational meeting shall be no more than 30 days after the appointment process of each term.

(iii) Authority and actions of members. No member shall have any authority to act on behalf of the Board except pursuant to an order regularly made at a meeting of the Board.

(iv) Quorum and voting requirements. Three members shall constitute a quorum and a concurrent vote of no fewer than three members shall be necessary for the transaction of business.

(v) Public meetings and public participation. All meetings, except executive sessions, as defined in the State Freedom of Information Act or any successor thereto, shall be public. At the start of each regularly scheduled public meeting the Board shall allot a minimum of 15 minutes for public speaking, with a minimum of three minutes per speaker.

(vi) Bylaws. The Board shall have the power to adopt its own bylaws for the conduct of its business accordance with the provisions of this code.]

SEC. 409 ASSESSOR.

(a) There shall be an Assessor who shall be hired by the Town Council and shall be responsible to the Mayor. Said Assessor shall be certified or seeking certification by the State of Connecticut and appointed on the basis of his or her executive and administrative qualifications.

(b) The position of the Assessor shall hold no other elected or appointed position within the government of the Town of Wolcott or the State of Connecticut, notwithstanding other provisions of the Charter.

(c) The Assessor shall have all the powers and duties conferred on Assessors by the General Statutes and such other duties as may be assigned to him or her by ordinance or the direction of the Mayor.

(d) The Town Council shall appoint an interview committee made up of: Two minority members, two majority members, the Mayor and two additional members with municipal financial experience or property assessment experience. The interview committee shall submit to the full Council a finalist.

(e) The appointment or reappointment of an Assessor shall occur with approval of the Town Council. The term of employment shall be for a two year contracted period approved by the Council that shall begin July 1, 2005. Sixty days prior to the expiration of the contract, the Town Council must vote to renew or non-renew that contract. In the case of non-renewal of the existing contract, the interview committee shall convene and proceed in accordance with this Charter.

SEC. 410. PLANNING AND ZONING COMMISSION. The Mayor shall appoint a Planning and Zoning Commission subject to the approval of the Council which shall consist of five (5) electors of the Town, not more than three (3) of whom shall belong to any one political party, with duties as prescribed by the General Statutes. **The Mayor shall appoint with the approval of the Town Council three (3) alternate members to the Commission, not more than two (2) of whom shall belong to any one political party.**

(a) Terms of Office shall be as follows: Pursuant to General Statutes, no more than three commissioners may be replaced at any one time. Terms and appointments shall be as follows: Beginning January 1, 2006, the appointing authority shall appoint three (3) members to a one-year term and two (2) members to a two-year term. Beginning January 1, 2007, those positions whose one-year term has expired will then be appointed to a two-year term. From that point forward, all positions shall be appointed to a two-year term. Such appointees shall continue to serve until their successors are appointed and qualify. At the conclusion of municipal elections and appointments to the Commission, an organizational meeting shall be held at their next scheduled meeting.

SEC. 411. BUILDING INSPECTOR.

(a) The Mayor shall appoint a Building Inspector who shall be certified by the State of Connecticut. The Building Inspector may appoint, with the approval of the Mayor, an Electrical Inspector and a Plumbing Inspector, each of whom shall be certified by the State of Connecticut.

(b) All shall perform duties as prescribed by Local Ordinance and General Statutes.

SEC. 412. DIRECTOR OF CIVIL PREPAREDNESS. The Mayor shall appoint a Director of Civil Preparedness and Advisory Council which shall be composed as provided in General Statutes. The Civil Preparedness organization shall have all the powers and duties inferred or imposed on Civil Preparedness organizations by General Statutes.

SEC. 413. FIRE MARSHAL. The Mayor shall appoint a Fire Marshal with Town Council approval who shall be qualified and shall perform the duties and serve as prescribed by General Statutes.

SEC 414. MUNICIPAL FINANCE OFFICER:

(a) There shall be a Municipal Finance Officer who shall be hired by the Town Council and shall be responsible to the Mayor.

The current town council appointed auditing firm shall submit to the Town Council for its approval qualification criteria to be followed by an interview committee. This qualification criteria must be adopted by the Town Council within 30 days of ratification of this charter. No

appointment or reappointment may be made without a current council approved qualification criteria policy in place.

The Town Council shall appoint an interview committee made up of: The Mayor, Two Minority Council Members, Two Majority Council Members and One nonvoting Member of the Town Appointed Auditing Firm. The interview committee shall submit to the full Council a finalist.

The appointment or reappointment of a Municipal Finance Officer shall occur only with a minimum of seven (7) affirmative votes of the Council. The term of employment shall be for a two year contracted period approved by the Council that shall begin July 1st on non election years, retroactive to July 1, 2002. Sixty days prior to the expiration of the contract, the Town Council must vote to renew or non-renew that contract. In the case of non-renewal of the existing contract, the interviewing committee shall convene and proceed in accordance with this Charter. Should a vacancy occur in this position prior to the second year contracted date the Chief Accountant shall assume the position of the Municipal Finance Officer on an interim basis not to exceed 6 months.

(b) The position of the Municipal Finance Officer shall be a full-time, paid position and the Municipal Finance Officer shall hold no other elected or appointed position within the government of the Town of Wolcott or the State of Connecticut.

(c) The salary for this position shall be established in accordance with the provisions of Section 710 of this Charter.

(d) The Municipal Finance Officer shall be skilled in fiscal matters by education, training and work experience and shall be responsible for the purchase of supplies and services unless otherwise provided in this Charter, for all Town Boards, Commissions, Departments, Agencies, Authorities, Committees and Offices which presently exist or which may come into existence through Ordinance, for the payment of all accounts payable by the Town, and for the reconciliation of all Town accounts not under the jurisdiction of the Town Treasurer or Tax Collector.

(e) All procedures used in executing these responsibilities shall be in accordance with generally accepted accounting principles and practices, the General Statutes of the State of Connecticut, where they may apply, the Charter of the Town of Wolcott, where it may apply, and shall also have the prior approval of the Town Council.

(f) The Municipal Finance Officer shall exercise authority over budgeted expenditures and ensure that each Government unit is spending within the limits of its budget. He or she also will ensure that all necessary procedures have been followed to ensure the procurement of quality services and supplies, timely delivered, at the lowest possible price.

(g) The Municipal Finance Officer shall assist the Mayor in the annual budget preparation process.

(h) With regard to the continuing reconciliation of the Town accounts during the fiscal year and the preparation of budgets, the Municipal Finance Officer may request, in writing, any information deemed by him or her to be necessary to the successful completion of these tasks from the offices of the Town Clerk, Treasurer, Tax Collector, Assessor, Board of Assessment Appeals, Board of Education, Town Council and all Governmental units heretofore listed.

(i) Failure to comply with such a request in a timely manner shall be considered malfeasance of office and the elected or appointed official in charge of the non-complying officer or unit shall be subject to such action as may be provided for in the General Statutes of the State of Connecticut relative to malfeasance of office.

SEC. 415. TOWN ATTORNEY

(a) The Mayor shall, not later than one (1) month after taking office, appoint a Town Attorney to serve at his pleasure, who shall be an attorney at law admitted to practice law in this State and who need not be a full-time employee of the Town. The Town Attorney or his duly qualified representative shall appear for and protect the rights of the Town in all actions, suits, or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions. The Town Attorney shall have the power, by and with the consent of the Mayor to retain additional temporary counsel to aid him on behalf of the Town in the conduct of his office, if, in his opinion, the interest of the Town so requires. The Mayor shall be required to inform the Town Council of this action at their next regularly scheduled meeting. The Town Attorney shall be the legal advisor to all town officers, boards, commissions and agencies in all matters affecting the legal rights of the Town and shall upon written request of the Mayor or council furnish them with a written opinion on any question of law involving the respective powers and duties of all Town officers, boards, commissions and agencies.

(b) The Town Attorney or his duly qualified representative shall be present at all meetings which the Mayor or Council shall require.

(c) Upon request of the Mayor or Town Council, the Town Attorney shall prepare or approve contracts, agreements, or other documents affecting the legal interests of the town.

(d) The Town Attorney shall have the power, with the approval of the Town Council, to compromise or settle any claim by or against the Town and to appeal or defend any appeal taken from orders, decisions and judgments affecting the legal rights of the Town.

(e) Should the occasion arise wherein the Town Attorney concludes that a conflict of interest exists in which there is an inability to ethically represent the interests of the Town, or any office, agency or department thereof, then the Mayor and Town Council shall be so advised of the existence of such conflict. Upon being so advised, the Mayor shall appoint another practicing attorney to represent the legal interests of the Town in that particular matter. The Mayor shall be required to inform the Town Council of this action at their next regularly scheduled meeting. In cases wherein a conflict involves the legal interests of the Mayor as against any other board, commissions, agency officer or the Council, the Town Attorney shall represent the Mayor. That entity with legal interests adverse to the Mayor shall have the authority to hire its own attorney, subject to the approval of the Council.

(f) In any conflict of interest situation, as determined by the Town Attorney, between or among any other entities of the Town not involving the Mayor, the Town Attorney shall represent that entity designated by the Mayor while the entity with interests adverse to that represented by the Town Attorney shall have the authority, with approval by the Council, to engage the services of a practicing attorney to represent its interests in said matter.

(g) All Departments, Boards, Commissions, and the Board of Education, Superintendant and

Managers shall forthwith submit a copy of all legal notice of claims, suits, and actions of any kind to the Town Attorney.

SEC. 416. CONSERVATION, INLAND WETLANDS AND WATER COURSES COMMISSION. There shall be a Conservation, Inland Wetlands and Water Courses Commission established in accordance with the General Statutes.

The Mayor shall appoint with approval of the Town Council seven (7) electors of the Town of Wolcott, not more than four (4) of whom shall belong to any one political party, with duties as prescribed by General Statutes, and Town Ordinance. The terms of all members will be consistent with the term of the Mayor. The Mayor shall appoint with the approval of the Town Council three (3) alternate members to the Commission not more than two (2) of whom shall belong to any one political party.

SEC. 417. ECONOMIC DEVELOPMENT COMMISSION. The Mayor shall appoint an Economic Development Commission which shall consist of seven (7) electors of the Town, not more than four of whom shall belong to any one political party, with duties as prescribed by Town Ordinance and with terms to be consistent with provisions of this Charter

SEC. 418. DEPARTMENT OF SOCIAL SERVICES. The Mayor with the approval of the Town Council may appoint a qualified social worker to meet the social service needs of the town.

SEC. 419. PARKS AND RECREATION AND ACQUIRED FACILITIES COMMISSION. The Mayor shall appoint a Parks and Recreation and Acquired Facilities Commission which shall consist of seven (7) electors of the Town, not more than four (4) of whom shall belong to any one political party, with the duties as prescribed by Town Ordinance, and with terms to be consistent with the provisions of this Charter.

SEC. 420. SEWER AND WATER COMMISSION. The Mayor shall appoint a Sewer and Water Commission which shall consist of six (6) electors of the Town, not more than four of whom shall belong to any one political party, with duties as prescribed by Town Ordinance and terms of office consistent with this Charter.

SEC. 421. COMMISSION ON AGING.

(a) There shall be a Commission on Aging, with duties prescribed by General Statutes and Town Ordinance and terms to be consistent with provisions of this Charter.

(b) Duties - The Commission shall study all needs and conditions of elderly persons in the Town in relation to housing, economics, employment, health, transportation, recreational needs and other matters. It shall analyze the services to the aged provided by the Town, both public and private agencies and shall make recommendations to the Mayor regarding development of such programs and the integration of the same with the services made available by the State.

SECTION 422. COMMISSION FOR INDIVIDUALS WITH SPECIAL NEEDS. The Mayor shall appoint a Commission for Individuals with Special Needs, consisting of twelve (12) electors of the Town, no more than eight (8) of whom shall be members of the same political party and at least one of whom shall be a handicapped person. The Commission's powers and duties shall be as prescribed by Town Ordinance and the terms of office shall be consistent with

this Charter.

SECTION 423. PERMANENT PENSION COMMITTEE. **[The Mayor shall appoint a Permanent Pension Committee] There shall be a Permanent Pension Committee** consisting of 7 electors of the town whose membership and duties shall be prescribed by Town Ordinance and whose terms of office shall be consistent with this Charter.

SECTION 424. HEALTH DISTRICT. There shall be a Health District as provided by General Statute and Town Ordinance.

SECTION 425. BOARD FOR ADMISSION OF ELECTORS. There shall be a Board for Admission of Electors, as provided by State Statutes, consisting of the Town Clerk and the Registrars of Voters. The duties of such board shall be as prescribed by State Statutes.

SECTION 426. COMMISSION ON VETERAN'S ADVOCACY. The mayor shall appoint a Commission on Veteran's Advocacy consisting of seven members not more than four of whom shall be from one political party. One member shall be nominated by the Wolcott Veterans of Foreign Wars Post 1979, and one member shall be nominated by the Wolcott American Legion Post 165, and the Wolcott Assessor. The Commission's powers and duties shall be as prescribed by the Town Ordinance and terms shall be consistent with the Charter.

SECTION 427. CIVILIAN POLICE REVIEW BOARD

(a) General: There shall be a Civilian Police Review Board (CPRB), which will receive, investigate and make appropriate recommendations to the Mayor and Chief of Police of the Town of Wolcott regarding complaints of citizens not excluding employees of the Police Department, against members of the Wolcott Police Department and/or civilian employees thereof.

(b) Powers and Duties of Board: The CPRB shall be notified by the Mayor's Office, the Chief of Police and or any individual member of CPRB of any and all complaints against members of the Wolcott Police Department and/or civilian employees thereof whether such complaints be written, oral or anonymous.

(c) The CPRB shall be provided with all police documents, reports, electronic transmission, videotape and any other transcriptions related to any civilian complaint. The Chief of Police may take appropriate actions to maintain the security of police documents, reports, electronic transmissions and videotape reviewed by CPRB. The CPRB may request the Chief of Police conduct appropriate internal affairs investigations of serious complaints against members or civilian employees of the police department. The CPRB shall review the conclusions of any internal affairs investigation of a complaint prior to any disciplinary action being taken and recommend further investigation to the Chief of Police if appropriate. The CPRB may request written statements made under oath through the Chief of Police from any member or civilian employee of the department and of the complainant in order to fully investigate any complaint. The CPRB shall make a written report of their investigation and findings and their recommendation as to discipline to be taken if any regarding all complaints, when appropriate, to the Mayor and Chief of Police, however, the CPRB shall not have authority to impose discipline. The Chief of Police and/or Mayor, where appropriate, shall make the decision regarding discipline. The Chief of Police and/or Mayor shall explain his or her disciplinary action in writing for each

complaint if different from the recommendation of the CPRB.

(d) The Civilian Police Review Board shall consist of five members, no more than three of whom shall be members of the same political party.

(i) Town Council Representative: One Town Council member shall serve as a liaison to the CPRB.

(ii) Appointments; term of office. No later than January 1, 2011, the Mayor with Town Council approval shall appoint five (5) members for a term of two (2) years and thereafter, in accordance with Section 401.

(iii) No Compensation. Members shall serve without compensation.

(e) Organization of Civilian Police Review Board: During January 2011 and January of each odd numbered year thereafter, the Board shall select from among its members a chair, vice chair and such other officers as it may desire.

(i) Secretary and record keeping. The Mayor shall appoint a secretary to the Board which secretary may not be a member of the Board. The Town Clerk shall act as record keeper for the Board.

(ii) Meeting Schedule. The Board shall meet no less than two times per year. The organizational meeting shall be no more than 30 days after the appointment process of each term.

(iii) Authority and actions of members. No member shall have any authority to act on behalf of the Board except pursuant to an order regularly made at a meeting of the Board.

(iv) Quorum and voting requirements. Three members shall constitute a quorum and a concurrent vote of no fewer than three members shall be necessary for the transaction of business.

(v) Public meetings and public participation. All meetings, except executive sessions, as defined in the State Freedom of Information Act or any successor thereto, shall be public. At the start of each regularly scheduled public meeting the Board shall allot a minimum of 15 minutes for public speaking, with a minimum of three minutes per speaker.

(vi) Bylaws. The Board shall have the power to adopt its own bylaws for the conduct of its business accordance with the provisions of this code.

CHAPTER V MAYOR

SECTION 501. MAYOR.

(a) The Mayor, who shall be the Chief Executive Officer as well as the Chief Administrative Officer of the Town, shall be directly responsible to the Council for the administration of all departments, agencies and offices in charge of persons or boards appointed by the Mayor, and he

or she shall supervise and direct the same except as provided in this Charter. He or she shall see that all laws and ordinances governing the Town are faithfully executed. He or she shall make periodic reports to the Council and attend its meetings with full right of participation in its discussion but without a right to vote.

However, this shall not be construed to preclude an executive session of the Council wherein all are excluded but the Council members and their staff. Executive sessions shall not exclude the Mayor unless he or she is given in writing reasons which are personal to him or her for his or her exclusion.

(b) He or she shall prepare and cause to be printed an annual fiscal report, including a description of the performances of the Municipal offices, agencies, department, boards, and commissions which shall be submitted within fifty (50) days from the close of the fiscal year to the Town Clerk and the Town Council.

(c) He or she shall recommend to the Council such measures as he or she may deem necessary or expedient.

(d) He or she shall keep the Council fully advised as to the financial condition of the Town.

(e) He or she shall prepare and submit to the Council an Annual Budget.

(f) He or she shall exercise such other powers and perform such other duties as may be required of him by this Charter.

(g) The Mayor shall appoint, or remove, all department heads and other officers and employees of the town, except as otherwise specifically provided by this Charter and except employees in the offices of elected officers or boards and officers and boards appointed by the Council. Notwithstanding the foregoing, employment contracts with the Deputy Chief of Police, Superintendent of Public Works, Chief Accountant, and Senior Center Activities Coordinator, shall require Council approval as shall the removal of any such department head from office. In lieu of any appointment by the Mayor of any of his or her appointees to any office under his or her jurisdiction, subject to approval of the Council, the Mayor may perform the duties of such office. On any Board, Commission, or Agency in which the Mayor has appointing authority, per this Charter, the Mayor shall fill any subsequent vacancy.

(h) In the event of the Mayor's absence or disability for a period of three (3) or more days, but less than thirty (30) days, the Chairman of the Town Council shall be temporary Mayor, notwithstanding section 301 herein, unless the Mayor has designated such a person. If the Mayor designates other than an elected Town official, his or her designee must be approved by the Council. The temporary Mayor shall conduct such business as is necessary to the daily management of Town affairs. After more than thirty (30) consecutive days of his or her disability, the Office of Mayor shall be filled by the Chairman of the Town Council on an interim basis as temporary mayor until such time as an Acting Mayor is appointed. Within an additional thirty (30) consecutive days of his or her disability the Office of Mayor shall be filled by an Acting Mayor appointed by the party from which the Mayor was elected. If the Mayor was elected as an Unaffiliated Candidate, that being a candidate not elected from a "Major Party" or a "Minor Party" or as a candidate not having a "Party Designation Committee," all as defined in Section 9-372 of the Connecticut General Statutes, then a Town Meeting shall be scheduled by the Town Council to be held within thirty (30) days after the next meeting of the Town Council

to select an Acting Mayor. Any resident eligible to hold public office may file a verified petition with the Town Clerk signed by at least the equivalent of 1% of the total number of votes cast in the last regular election for the Office of Mayor of the Town of Wolcott, to become a candidate at the Town meeting. The Town Committee of each party may designate a candidate for Acting Mayor at said Town Meeting. The Chairman of the Council shall serve until the Town Committee or Town meeting certifies the appointment of Acting Mayor, in accordance with this provision. Nothing herein shall be construed to preclude the elected Mayor from resuming his or her office during the term of said office. If the absence of the Mayor is due to disability during his or her term of office, the Council shall make provision to pay him or her his or her full salary for a period of six weeks. Compensation for the Acting Mayor shall be at the same rate as that of the elected Mayor. The Acting Mayor shall have all the powers and duties of the Mayor.

(i) In the event that the Mayor resigns, dies, or is declared legally incompetent, the vacancy shall be filled by such person designated by the enrolled members of the previous Mayor's political party at a duly noticed caucus to be held within thirty (30) days of said vacancy. If the Mayor was elected as an Unaffiliated Candidate as defined in section (h) hereof, a special Town election may be convened either by the Town Council or upon application of twenty (20) electors of the Town filed with the Town Clerk. Any resident eligible to hold public office may file a verified petition with the Town Clerk signed by at least the equivalent of 1% of the total number of votes cast in the last regular election for the Office of Mayor of the Town of Wolcott, to become a candidate for Mayor at said special election. The Town Committee of each party may designate a candidate for Mayor for said Special Election. The Chairman of the Council shall serve until the Town Committee certifies the appointment of Mayor or until a Mayor is elected at the Special Election as provided for herein. The date of such election shall be determined by the Town Council and notice of such date shall be filed with the Town Clerk. In determining the date of such election, the Town Council shall allow the time specified for holding primaries for municipal office in Section 9-423 and the time specified for the selection of party-endorsed candidates for municipal office in Section 9-391. On application of twenty (20) electors of the Town, the date of such election as determined by the Town Council, shall not be later than the one hundred fiftieth (150) day following the filing of such application. Except as otherwise provided by general statute, the provisions of the general statutes pertaining to elections shall apply to the special election. No such election may be held unless the Town Clerk first files notice of the office to be filled at the special election with the town chairman of the town committee of each major and minor party within the Town, with the Secretary of State and posts a notice in a newspaper having a general circulation in the Town at least three weeks in advance of the final time specified for the re-election of party endorsed candidates for municipal office in Section 9-391 of the Connecticut General Statutes. The Town Clerk shall also warn such election in the same manner as the warning of municipal elections pursuant to Section 9-226 of the Connecticut General Statutes.

(j) In addition to specific powers and duties enumerated in this Charter or by ordinance, the Mayor shall carry out all the powers and duties conferred, or which shall be conferred on the office of the Mayor by General Statutes of the State of Connecticut.

(k) Incumbent Mayor, who has not been re-elected, shall make no contracts, verbal or written, from the date of the election until his successor shall have qualified. If the Mayor shall knowingly incur, make any such contract, or shall authorize any such contract, he or she shall be personally liable for the contracted amount.

(l) The Mayor shall be sworn in on the second Wednesday following the election.

CHAPTER VI PUBLIC SAFETY

SEC. 601. POLICE DEPARTMENT. The members of the Police Department shall have all the authority with respect to the service of the criminal process and the enforcement of the criminal laws that is vested by the General Statutes in police officers and constables.

SEC. 602. FIRE DEPARTMENT. The Volunteer Fire Department shall continue to function with members making their own rules and by-laws, electing their own chief and other officers and members, and otherwise controlling their own affairs. Should it become necessary, a department may be created to succeed the Volunteer Fire Department only by an ordinance adopted by the Council, for which not less than seven (7) members of the Council shall have voted in the affirmative and which has been confirmed by a referendum conducted without the necessity of a petition not less than ten (10) days nor more than fifteen (15) days after the adoption of such ordinance by the Council.

CHAPTER VII FINANCE AND TAXATION

SEC. 701. DEPARTMENT ESTIMATES. The Mayor shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the Town, supported wholly or in part from Town Funds or for which a specific Town appropriation is made, including the Chairman of the Board of Education for such Board, shall at least (90) days before the end of the fiscal year, file with the Mayor on forms or computer files provided by him or her a detailed estimate of the expenditures to be made within and the revenue to be collected thereby in the ensuing fiscal year. Minority reports, if any, are to be submitted to the Mayor, which must be passed on to the Council together with the Mayor's recommendations.

SEC. 702. DUTIES OF THE MAYOR ON BUDGET. The Mayor shall, at least ninety (90) days before the end of the fiscal year, present to the Council an annual budget proposal consisting of:

- (a) A budget message outlining the financial policy of the Town government and describing in connection therewith the important features of the budget plan;
- (b) Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, the receipts estimated to be collected during the remainder of the current fiscal year, and estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year and an estimate of the available cash surplus for the current fiscal year as well as the cumulative surplus on the books at the end of the fiscal year. To the extent that use of a portion of the cumulative surplus is being recommended, the Mayor shall present a reason for such recommendation.
- (c) Itemized estimates of expenditures presenting in parallel columns the actual expenditures for each department, office or agency for the last completed fiscal year and for the current fiscal year to the time of preparing the estimates, the expenditures, as estimated for the remainder of the current fiscal year, the requests of the several departments, offices and agencies for the

ensuing fiscal year and the Mayor's recommendations of the amount to be appropriated for the ensuing fiscal year, including the appropriation to the reserve fund for capital and nonrecurring expenditures, if any, for all items except those of the Board of Education which he or she shall transmit to the Council as submitted to him or her by said Board. The Mayor shall present reasons for all his recommendations. The Chairman of the Board of Education shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education as is provided herein for departmental estimates. The Council may decrease but not increase the budget items.

(d) As part of the annual budget or as a separate report attached thereto, the Mayor shall present a program, after consultation with the town Planning and Zoning Commission in accordance with Section 8-24 of the General Statutes concerning municipal improvements of proposed non-recurring capital expenditures for the ensuing fiscal year and for four fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, office or agency annually, including the Board of Education, in the same manner as estimates of other budgetary requirements prepared by the Mayor. The Mayor shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same, except he must send all capital recommendations of the Board of Education to the Council.

SEC. 703. APPROPRIATIONS, LAYING OF TAX.

(a) Not less than thirty (30) days before the beginning of the fiscal year, the Council shall hold a public hearing, at which budgets for the ensuing fiscal year, as prepared pursuant to the provisions of Section 701 and 702, shall be presented, and at which all persons shall be heard in regard to any appropriation which they are desirous that the Council should recommend or reject. The Council shall, after such public hearing, hold a special meeting at which it shall consider the budgets so presented and any other matters brought to its attention and shall thereupon prepare and cause to appear in a newspaper having a substantial circulation in the Town, a report in a form prescribed by the Secretary of the Office of Policy and Management containing the itemized information prescribed by CGS.

(b) Not less than twenty (20) days before the beginning of the fiscal year, the Council shall adopt an operating budget.

(c) Said operating budget shall be subject to the power of referendum as provided in Section 309(a) of this Charter.

(d) Immediately after the Board of Tax Review has finished its duties and the grand list has been completed, the Council shall meet, and with due provision for estimated uncollectible taxes, abatements and corrections, shall lay such tax on such list as shall be sufficient, in addition to the other estimated yearly income of the town and other available funds as may be recommended, not only to pay the expenses and appropriations of the Town for the ensuing fiscal year, but also to absorb any revenue shortfall of the town at the end of the preceding fiscal year if the expenditures for such fiscal year are in excess of the revenues for such fiscal year.

SEC. 704. POWERS OF THE MAYOR AND COUNCIL AS TO EXPENDITURES, INTER AND INTRA DEPARTMENT TRANSFERS, TOWN MEETINGS.

(a) The estimate of expenditures submitted by the Council may include a recommended appropriation for a contingent fund in an amount not to exceed two (2) percent of the total

estimated expenditures for the current fiscal year. No expenditure or transfer shall be made from the contingent fund except by action of the Council.

(b) No officer of the Town shall expend or enter into any contract by which the Town shall become liable for any sum which, with contract then in force, exceeds the appropriation for the department. Such prohibited conduct shall be deemed unethical.

(c) All transfers whether interdepartmental or intradepartmental within the approved budget for any fiscal year may be made upon the recommendation of the Mayor with approval by the Council. Intradepartmental transfers can be done without Council approval for any amount under five thousand dollars (\$5,000.00).

(d) If any occasion arises whereby more money is needed for any budget item of the Town than has been appropriated as provided in this Charter, the Mayor may approve additional expenditures up to five thousand dollars (\$5,000.00), not to exceed the contingent fund, and shall notify the Council of such fact within thirty (30) days and the Council shall make the necessary appropriations, therefore.

(e) If any occasion arises whereby an additional appropriation is required in amount exceeding twenty thousand dollars (\$20,000.00) but less than fifty thousand dollars (\$50,000.00), said appropriation may be made upon recommendation of the Mayor with the approval by the Council up to a maximum additional appropriation of one hundred thousand dollars (\$100,000.00).

(f) In the event that an additional appropriation exceeds one hundred thousand dollars (\$100,000.00) , such appropriation shall not be made until the same has been voted by the Town at a meeting called for such purpose, provided that said appropriation has been recommended by the Mayor and approved by the Council.

(g) At such time as the cumulative total of all additional appropriations during any fiscal year exceeds the sum of \$100,000.00, no further appropriation shall be made until the same has been voted by the Town at a meeting called for such purpose, provided that said appropriation has been recommended by the Mayor and approved by the Council.

(h) Any town meeting required to be held under this section shall be subject to the right of referendum as provided in Section 309 (a) of this Charter.

(i) The amount required for any additional appropriation may be drawn either from any cash surplus available or from any contingent fund established as provided by law. If no such cash surplus exists, and no funds are available in the contingent fund, such appropriation may be financed by borrowing, and the amount of such borrowings shall be included in and made part of the tax laid by the Council under the provisions of Section 703 of this Charter.

(j) The provisions of this section and of the preceding section shall not be a limitation upon the Town in issuing bonds under the provisions of law or expending the proceeds thereof in accordance with the vote of the Town. The provisions of Sections 7-346 and 7-347 of the General Statutes shall apply to the Town with the Council performing the duties and functions therein fixed for a Board of Finance.

(k)When the Town is maintaining a reserve fund for capital and nonrecurring expenditures in

accordance with Sections 7-359 through 7-369 of the Connecticut General Statutes, appropriations from the reserve fund shall not be made until the same have been voted by the town at a meeting called for such purposes, provided that said appropriations have been recommended by the Mayor and approved by the Council. Payments into said accounts may be made upon recommendation by the Mayor and approval by the Town Council.

A special appropriation or transfer of unexpended balances, and payment into or appropriation from the reserve fund for capital and nonrecurring expenditures, requiring Town Meeting approval in accordance with this Charter, may be decreased by a Town Meeting, but may not be increased. A Town Meeting may make no special appropriation or transfer of funds not recommended by the Mayor and approved the Council.

Any appropriation from the capital and nonrecurring expenditure fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. A project shall be deemed to have been abandoned if three (3) fiscal years shall lapse without any expenditure from or encumbrance of the appropriation.

The Town Meeting shall not act upon any appropriation or expenditure which has not first been recommended by the Mayor and approved by the Council.

SEC. 705. TAX BILLS. It shall be the duty of the Tax Collector to prepare and mail to each taxpayer, at least seven (7) days before the date when taxes are due and payable, a tax bill, the form of which shall be acceptable to the Commissioner of Revenue Services.

SEC. 706. ASSESSMENT AND COLLECTION OF TAXES. Except as specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the General Statutes or special laws of the State applicable to the Town of Wolcott.

SEC. 707. EXPENDITURES AND ACCOUNTING.

(a) The several departments, commissions, boards, committees and officers of the Town shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated therefore unless said obligation has been authorized in the manner provided in Section 704 of this Charter. Each order drawn upon the Treasurer shall state the department, commission, board, committee or officer or the appropriation against which it is to be charged. When any department, commission, board, committee or officer shall desire to secure a transfer of funds in its, his or her appropriation from funds set apart for one specific purpose to another, before incurring any expenditure therefore, such department, commissions, board or officer shall make application to the Mayor whose duty it shall be to examine the matter and, upon the Mayor's recommendation such transfer may be made with Council approval.

(b) Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter, or take part therein, such action may be cause for his removal.

(c) Public Bidding Procedure. The Council, the Mayor, and all boards, commissions and agencies of the Town of Wolcott shall be required to put out to public sealed bid all expenditures

for any one (1) item or service in excess of twenty five thousand dollars (\$25,000.00) dollars. One item or service is defined as but is not limited to any single item or service, any single purchase order for multiple items or services of like kind, any contracts for multiple items or services whose sum total exceeds twenty-five thousand dollars (\$25,000.00). All bids shall be published in a newspaper having a local circulation at least one (1) time prior to the date set for opening of bids, the first date of publication to be at least fifteen (15) days prior to date set for opening of bids. The notice of bids shall contain a notice of where more particular detail may be obtained and the date and time and place of bid opening. The public shall have the right to attend bid openings at the date, time and place set in the notice. The Town of Wolcott shall reserve the right to reject any or all bids.

Notwithstanding the foregoing, the following expenditures shall be exempt from the provisions of the above public bidding procedure with the approval of the Town Council, or the Board of Education for those expenditures under the jurisdiction of the Board of Education.

(i) expenditures for architects, engineers, land surveyors, medical professionals, attorneys, accountants or artists, and such other professional or technical services;

(ii) expenditures for contracts that can only be performed or provided by one party in the judgment of the Mayor, the Municipal Finance Officer, or Business Manager of the Board of Education for those expenditures under the Board's jurisdiction.

(iii) expenditures for contracts made through cooperative purchasing arrangements with other government or quasi-governmental entities when, in the judgment of the Mayor, the Municipal Finance Officer, or Business Manager of the Board of Education for those expenditures under the Board's jurisdiction, such contracts are in the best interests of the Town.

(iv) expenditures for contracts made in accordance with procedures approved by the Town Council, or Board of Education applicable to cases of emergency involving a threat to the public health, safety or welfare. Provided that such expenditures are made in accordance with the procedures adopted by the Town Council or Board of Education, no additional Town Council or Board of Education approval shall be required by this Section. Such emergency expenditures procedures shall be adopted by the Town Council and the Board of Education respectively within sixty (60) days of effective date of this Charter.

(v) expenditures for those contracts where, in the opinion of the Mayor, the Municipal Finance Officer, or the Business Manager of the Board of Education for those expenditures under the Board's jurisdiction, it would not be practicable or in the best interest of the Town to proceed in the manner required by the above public bidding procedures and the Town Council or the Board of Education affirmatively determines that adherence to the public bidding procedure would not be practicable or in the best interest of the Town.

SEC. 708. INDEPENDENT AUDIT. The Council shall, at a duly authorized meeting of its members, designate a certified public accounting firm to audit the books and financial affairs of the Town government for the current fiscal year in accordance with Chapter III of the General Statutes. Upon receiving an RFP for public accounting services, that firm may be given a multiple year contract up to three (3) years without further action by the Town Council. No such firm chosen shall serve more than five (5) consecutive years in that capacity. Such five (5) year restriction may be extended for one (1) year by a 2/3 vote of the Council. Such restriction may be extended an additional one (1) year by a 2/3 vote of the Council. Said restriction may only be extended a maximum of two (2) years in a row. No auditing firm shall serve a consecutive period of more than seven (7) years. The Town Council must include as part of the chosen

auditing firm's contract, mandatory compliance by the auditing firm with section 415 of this charter.

SEC. 709. OFFICIAL BONDS. All officers and employees as may be required to do so by the council shall, before entering on their official duties, execute to the Town, in the form prescribed by the 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 Council, conditioned upon the faithful performance of such official duties. 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 which departments, offices, 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.

SEC. 710. COMPENSATION. Salaries of all the officers and other employees of the town directly or indirectly under the supervision of the Mayor shall be determined by the Town Council upon recommendation of the Mayor except as herein provided.

CHAPTER VIII RETIREMENT

SEC. 801. RETIREMENT OF MUNICIPAL EMPLOYEES

(a) The existing retirement plan shall remain in force. However, the Council may provide by ordinance a system of retirement allowances for the Town's regular full-time paid employees and for contribution by employees and/or the Town to a fund from which such allowance shall be paid. The Town may enter into a contract with any insurance company authorized to do business in this State for the purpose of insuring the whole or any part of its retirement plan or may elect to participate in the Connecticut Municipal Employees' Retirement Fund in the manner provided in Chapter 113 of the General Statutes; this is not to preclude participation in other Pension Funds approved by the Council.

(b) The Mayor, in conjunction with the Permanent Pension Committee, shall be responsible for the administration of the retirement plan, and shall recommend a contribution level not less than the minimum amount recommended by the actuary to the Council in his annual budget.

CHAPTER IX TRANSITION AND MISCELLANEOUS PROVISIONS

SEC. 901. TRANSFER OF POWERS. The powers which are conferred and duties which are imposed upon any commission, board, department 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 or office is abolished by the Charter, shall be thereafter exercised and discharged by the commission, board, department, or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All commissions, boards, department or offices abolished by the 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, department, or offices and the performance of their duties by other commissions, boards, departments, or offices and the performance of their duties by other commissions, boards, department, or office created under this Charter and until the Town Clerk shall have notified the members of such commission,

boards, department, or offices as are abolished by this Charter that their successors have been qualified.

(a) There shall be a transition period for the office of Mayor. Said transition period will commence on the Monday following the election and extend to the second Friday following the election. The outgoing Mayor shall receive one additional week compensation after the completion of this transition period.

SEC. 902. PRESENT EMPLOYEES TO RETAIN POSITIONS. All persons holding permanent positions in the service of the Town on the effective date of this Charter shall retain such positions until promoted, transferred, or removed in accordance with the provisions of this Charter. All other employees of the Town on the effective date of this Charter, shall retain such positions pending action by the Council or the appropriate officer charged by the Charter with powers of appointment and removal. Any provision of law in force at the time when this charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or Agency thereof, shall continue in effect.

SEC. 903. TRANSFER OF RECORDS AND PROPERTY. All records, property, and equipment whatsoever of any commission, board, department, or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department, or office by this Charter, shall be transferred and delivered intact to the commission, board, department, or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department, or office or part thereof are, by this Charter, assigned to another commission, board, department, or officer, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the commission, board, department, or office to which such powers and duties are assigned.

SEC. 904. LEGAL PROCEEDINGS. No action or proceeding, civil or criminal, pending on the effective date of this Charter, brought by or against the Town or any commission, board, department, or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers, and duties of any commission, board, department, or office, party thereto may by or under this Charter be assigned or transferred to another commission, board, department or office but in that event the same may be prosecuted or defended by the head of the commission, board, department, or office to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

SEC. 905. CONSTITUTIONALITY. In case any portion of this Charter shall at any time be found unconstitutional, such finding shall not affect the remainder thereof, but as to such remainder, this shall remain in full force and effect until amended, repealed or superseded.

SEC. 906. AMENDMENTS. This Charter may be amended in the manner prescribed in the General Statutes for local actions on Charters and Special Acts as the same may be from time to time amended.

SEC.907. EFFECTIVE DATE. This Revised Charter shall take effect on January 1, **[2022]** **2025**.