

# **Town of Andover, Connecticut**

## **Town Charter**

**November 2016**

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## **Chapter I. INCORPORATION AND GENERAL POWERS**

### **Section 101. Incorporation**

All of the inhabitants dwelling within the territorial limits of the Town of Andover, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Andover", hereinafter called "The Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon Towns under the general laws of the State of Connecticut.

### **Section 102. Rights and Obligations**

All property, both real and personal, all rights of action and rights of every description and all securities and liens in said Town as of the effective date of this Charter are continued. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. The Town shall continue to be liable for its debts and obligations. If any contract has been entered into by said Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of said Town, that contains provisions that the same may be enforced by any office or agency therein named which is hereby abolished or superseded by the creation herein of a new commission, boards, agency or office to which are granted similar powers jurisdiction, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any office or agency, shall, except as otherwise provided in this Charter, hereinafter be exercised and discharged by the chief executive officer of said Town.

### **Section 103. General Grant of Power**

In addition to all of the powers granted to Towns under the Constitution and General Statutes of the State of Connecticut, or which may hereafter be conferred, the Town shall have all powers specifically granted by this Charter and all of the powers fairly implied in or incidental to the powers expressly granted, all powers conferred by the General Statutes, as amended, and by special acts of the General Assembly, not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States Government or any branch thereof, or any other body politic or corporate not expressly forbidden by the Constitution or General Statutes of the State of Connecticut. The enumeration of particular powers in this and any chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

## **Section 104. Effect of The Charter**

This Charter shall be the organic law of the Town in the administration of local affairs. Special acts, ordinances, bylaws, rules, regulations and resolutions inconsistent with this Charter and superseded by it shall have no further force and effect after the effective date of this Charter. Other special acts affecting the Town, and all ordinances, bylaws, regulations and resolutions duly adopted and in force before the effective date of this Charter shall remain in full force and effect. Any ordinance adopted after the effective date of this Charter, which is inconsistent with this Charter, or conflicts with any provision of this Charter as modified, shall be considered null and void.

## **Section 105. Definitions**

Whenever used in the context of this Charter, the following words and phrases shall have the following meanings:

- A. "Town Board" shall mean all of the appointed boards, agencies, commissions, authorities and committees of the town;
- B. "Town Agency" shall mean all of the elected and appointed Town boards, agencies, commissions and committees of the Town, including the local Board of Education;
- C. "Supplemental appropriation" shall mean an appropriation that is in addition to the total amount of the budget at any given point in time. It is not a transfer within or between departments;
- D. "Department" shall mean a unit of administration for budgetary purposes. There need not be a director of a department;
- E. "Town Officer" means a member of a Town Agency as defined in "B." above and those officers and employees enumerated in Section 702.;
- F. "Connecticut General Statutes" or "General Statutes" shall mean the General Statutes of the State of Connecticut revision of 1958 as the same may be revised from time to time;
- G. "Selectmen" (plural) shall mean the Board of Selectmen;
- H. "Minor Ordinance" shall mean those ordinances that are necessary to ensure the orderly day to day maintenance of the order of the Town. Such ordinances are intended to include, inter alia: the setting of speed limits on Town roads, the hours of operation for Town facilities and offices.
- I. Masculine gender shall include the feminine;
- J. Singular shall include the plural and the plural shall include the singular unless the context otherwise requires.
- K. "Related" shall mean people who share one or more of the following relationship(s); spouse, son, daughter, father, mother, sister, brother, brother-in-law, sister-in-law, father-in-law, mother-in-law, first or second cousin, and/or people who live in the same dwelling.

## **Chapter II. ELECTIONS**

### **Section 201. General**

Nomination and election of federal and state officials and of such Town officers, boards, agencies and commissions as are provided for in this Charter, shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therein, in the manner prescribed by law.

### **Section 202. State and Federal Officers**

Nominations and elections of state and federal officers, Justices of the Peace and Registrars of Voters shall be conducted as prescribed in the Connecticut General Statutes.

A. At the regular state election to be held on November 7, 2000 and every four (4) years thereafter, there shall be elected two (2) Registrars of Voters, one of which shall be for the Republican party and the other of which shall be for the Democratic party. An additional Registrar(s) shall be elected by each other political party that qualifies as a major party under Connecticut General Statutes. The terms of office for the said Registrars shall commence on the Wednesday after the first Monday in January following their election.

B. Justices of the Peace shall be selected in the manner prescribed for in the General Statutes and by Town Ordinance.

### **Section 203. Town Officers - General Election**

A. At the biennial municipal election to be held on the first Monday in May 1999, pursuant to section 1012 of this Charter, there shall be elected a Board of Selectmen consisting of five (5) members which members shall serve four (4) year terms. A political party may nominate no more than three members, one of whom shall be the designated nominee for the Office of First Selectman.

B. At the biennial town election to be held on the first Monday in May 1999, and every four (4) years thereafter, there shall be elected a Town Clerk, whose term of office shall commence on the first day of July following the Town election.

C. At the biennial town election to be held on the first Monday in May 1999, and every two (2) years thereafter, there shall be elected members to the following boards, commissions and agencies for the terms specified herein. Except as otherwise provided in this Charter, such boards, commissions and agencies shall have powers and duties as are provided in the Connecticut General Statutes. Electors may vote for, and a political party may nominate, as many candidates as there are available seats to be filled on the following boards and commissions, specifically including the Board of Assessment Appeals and the Board of Education, provided however, that the minority representation requirements of Conn. Gen. Stat. § 9-204b shall apply:

1. A Board of Finance, consisting of seven voting members, which shall serve four (4) overlapping terms; plus an additional non-voting member (ex-officio) to be designated by the Capital Improvement Plan Committee.

2. A Board of Assessment Appeals, consisting of three (3) members which shall serve four (4) year terms;
  3. A Planning and Zoning Commission consisting of five (5) members and three (3) alternates, which members shall serve four (4) year overlapping terms;
  4. A Zoning Board of Appeals consisting of five (5) members and three (3) alternates, which members shall serve four (4) year overlapping terms;
  5. A Board of Education hereinafter referred to as the "Local Board" consisting of seven (7) members, which members shall serve four (4) year overlapping terms;
  6. A Fire Commission consisting of five (5) members, which members shall serve four (4) year overlapping terms;
- D. All terms of office, except as otherwise provided in this Charter, shall commence on the first day of July following the Town election. Elected Town officers shall hold office until their successors have been chosen and qualified.
- E. Elected officials, other than members of the Board of Selectman, shall receive such compensation as may be approved in the annual budget. Reimbursement of expenses incurred by elected officials in performing official duties shall be authorized by the Board of Finance and subject to any appropriation in the annual budget. All fees collected by elected officials shall be remitted to the general fund.
- F. Notices indicating the date, time and location of all municipal elections shall be mailed to residents via US mail at least five (5) days prior to the election. If feasible, a copy of the ballot including the wording of any questions to be submitted for vote, may be included in such notice. Such notices shall include information regarding the availability of absentee ballots if applicable.

#### **Section 204. The Regional Board of Education**

Members of the Regional Board of Education shall be elected in the same manner as other Town officers. Said members shall serve four (4) year terms. The Town shall elect members of the Regional District #8 Board of Education in the manner provided for by Sections 10-46 (a) and (c) of the General Statutes as amended from time to time.

#### **Section 205. Eligibility**

No person shall be eligible for election to any Town office who is not at the time of his election, an elector of said Town, and any person ceasing to be an elector of said Town shall thereupon cease to hold elective office in the Town. The resulting vacancy shall be filled pursuant to Section 208. Provided however, that this section shall not apply to the Town's Wetlands Agent.



## **Section 206. Minority Representation**

With the exception of the Local and Regional Board(s) of Education, minority representation on all Town Agencies, as defined in Section 105B of this Charter, shall be determined in accordance with the provisions of Section 9-167a of the General Statutes. Minority representation on the Regional Board of Education shall be determined pursuant to Section 10-46 (c) of the General Statutes. Minority representation on the Local Board of Education shall be defined according to the provisions of section 1013-J(4) of this Charter.

## **Section 207. Breaking a Tie**

When any municipal election conducted pursuant to the provisions of this Charter results in a tie vote, with the consent of the tied candidates, the tie may be broken by the single toss of a coin by a third party agreeable to tied candidates. Otherwise, when any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, to determine who shall be elected, or in the case of a question at referendum whether it shall be accepted or rejected. The provisions of this section shall not apply to questions at referendum under which the provisions of this Charter or the General Statutes require a minimum number of electors voting in favor of such questions for approval.

## **Section 208. Vacancies - Elective Office**

A. Any vacancy, from whatever cause arising in any elective office, board, agency, commission or similar body of the Town shall be filled in accordance with this section within 60 days following the date of notice to the Town Clerk. Any such appointment shall be made by vote of the affected board, agency, etc., and, subject to Section 208B of this charter, shall be for the unexpired portion of this term.

B. In filling vacancies, the chair of the affected boards etc. shall notify the major political parties and the general public of vacancies. All recommendations for appointment shall be made within 35 days after notification of the vacancy to the Board of Selectmen. The affected agency shall appoint a person to fill any vacancy. In the event the affected board fails to act within 60 days, the Board of Selectmen may then fill the vacancy.

## **Section 209. Voting Districts / Voting Hours for Referendum(s)**

A. Voting Districts - There shall continue to be one (1) voting district as existed on the effective date of this Charter. The Board of Selectmen shall have the authority to create additional voting districts as the needs of the Town may require, subject to the approval of the Town Meeting.

B. Voting hours for Referendum(s) – The voting hours for all Referendum(s) shall be from 6:00 AM to 8:00 PM on the dates specified pursuant to this Charter.

## **Chapter III THE TOWN MEETING**

### **Section 301. General**

The Town Meeting shall have authority for final approval of those actions of the Town as hereinafter enumerated, and shall be the legislative body of the Town. The Town meeting shall have legislative authority for all matters not specifically enumerated hereinafter or enumerated in Section 402. All persons deemed to be eligible to vote in Town Meetings as prescribed in the General Statutes shall be eligible to vote in any Town Meetings called pursuant to this Charter. Said voters shall be eligible to vote in special referenda called pursuant to Sections 303, 304, and 305 of this Charter.

### **Section 302. Town Meeting Procedure**

A. All Town Meetings shall be called, pursuant to Section 7-3 of the General Statutes by resolution of the Board of Selectmen, which resolution shall fix the time and place of such meetings. Notice of any Town Meeting shall be given at least five (5) days in advance by publication in a newspaper having a general circulation in the Town; by posting a notice in a public meeting place and at the Town Office Public Notice Bulletin Board. In addition the Board of Selectmen shall send notices indicating the date, location and agenda of all town meetings to eligible voters via US mail, at least five (5) days prior to the meeting. If the Town Meeting action sends a matter to referendum vote, notices indicating the date, time and location of the referendum vote shall be mailed, via US mail to eligible voters at least five (5) days prior to the referendum. Information shall be included whether absentee voting is permitted and the procedure for obtaining such absentee ballot. All Town Meetings shall be called to order by the First Selectman, or Vice First Selectman or if both are not available by a designated alternate, with the first order of business to be the election of a moderator. All other business of the Town Meeting shall thereafter be conducted pursuant to Section 306 of this Charter. The Town Clerk shall serve as the clerk of all Town Meetings, but in the absence of the Town Clerk, the moderator shall appoint a clerk of the meeting. Any Town Meeting may be recessed from time to time as the interests of the Town may require, and the moderator may entertain a motion to recess such meeting.

B. All actions taken at Town Meetings shall be by a majority vote of those present and voting providing that a quorum is present equal to at least twenty five (25) of the electors of the Town as determined from the latest official list of the Registrars of Voters. The Town Clerk or designated alternate shall, through the use of a checklist, ascertain and certify the eligibility of those attending the meeting to vote. Immediately upon calling the meeting to order, the First Selectman or designated alternate shall ascertain if a quorum is in attendance. If a quorum is present the meeting shall proceed with the election of a moderator. If a quorum is not present, the First Selectman shall recess the meeting to the same day of the next following week. If a quorum is present at the recessed meeting, the meeting shall proceed. If a quorum is not present at the subsequent Town Meeting, all matters on the call of the Town Meeting shall revert to the Board of Selectmen who shall have final authority over such matters, except for action on the budget, which shall be accomplished in accordance with Section 803 of

this Charter. All Town Meeting votes on the budget shall be by paper ballot. All Town Meeting votes on matters other than the budget shall be by paper ballot if voted by more than twenty percent (20%) of those present and voting.

### **Section 303. Annual Town Budget Meeting**

The Annual Town Budget Meeting for the consideration of the budget shall be held on one of the first ten business days of May in each year. The adoption of the budget shall be pursuant to the provisions of Section 803 of this Charter.

### **Section 304. Special Town Meetings**

Providing that all other procedures and/or prerequisites, financial and otherwise, as delineated in this Charter have been met, Special Town Meetings shall be called by the Board of Selectmen and shall follow Section 302 of this Charter for consideration of the following items;

A. The issuance of bonds and all other forms of financing, the terms of which are in excess of one (1) year;

B. Any supplemental appropriation which exceeds the one half of one percent (0.5%) limit set forth in Section 805B, excluding any bonds or notes issued subject to 810D,

C. The acquisition or disposition of the fee title to real estate by the Town;

D. The creation, consolidation, modification or abolition of any permanent board, commission, department or agency not otherwise provided for in this Charter, provided, however, any newly created board, department, agency or commission shall come under the provisions contained in this Charter;

E. Leases and/or lease options to which the Town, including the local Board of Education, is a party which involve a term or obligation in excess of one (1) year, excluding leases of personalty.

F. Any appropriation from the capital and nonrecurring expense fund, not included in the annual budget, which exceeds one quarter of one percent (0.25%) of the budget as specified in section 805B;

G. The application for or participation in any federal, state or private grant program in excess of \$2,500, excluding the local and regional Board of Education, which participation shall require the Town to contribute any cash or provide any in-kind participation to enter into any such grant programs;

H. The discontinuance or abandonment of Town roads

I. Such other matters or proposals as the Selectmen, in their discretion, shall deem of sufficient importance to be submitted to a Special Town Meeting, including recommendations by the Selectmen for the adoption, modification or repeal of any ordinance.

J. The approval, repeal or modification of any town Ordinance when petitioned pursuant to the provision(s) of Section 305 of this Charter as amended, providing said Ordinance(s) are not inconsistent with any other provisions of this Charter, or with the CT General Statutes.

K. Notices indicating the date, location and agenda of all Special Town Meetings shall be mailed to eligible voters via US mail at least five (5) days prior to the meeting. If the Town Meeting action sends a matter to referendum vote, notices indicating the date, time and location of the referendum vote shall be mailed, via US mail to eligible voters. Information shall be included if absentee voting is permitted and the procedure for obtaining such absentee ballot.

### **Section 305. Petitioned Town Meetings**

A. Two percent (2%) of the electors of the Town, as determined by the latest official registry lists of the Registrar of Voters, may at any time, on a form provided by the Town Clerk, petition over their signature for a Petitioned Town Meeting concerning such matters provided for in Section 304C (except to the extent that acquisition by purchase is contemplated by the petition), Section 304D, Section 304H and Section 304J of this Charter. Any such proposal shall be examined by the Town Attorney before being submitted to a Petitioned Town Meeting. He shall be authorized to correct the proposal for repetitions, illegalities and unconstitutional provisions, but he may not materially change its meaning or effect. This section shall not derogate the right of the electors to petition for a Special Town Meeting as otherwise provided in Connecticut General Statutes.

B. The Town Clerk shall, within seven (7) days of the receipt of the petitions, report to the Selectmen whether the petitions yielded sufficient valid signatures. If sufficient valid signatures are not found, the Clerk shall so notify the Selectmen who shall declare the petition invalid. If sufficient signatures are found, the Clerk shall notify the Selectmen who shall then call a Petitioned Town Meeting within thirty (30) days of such certification. The same procedures and requirements shall govern Petitioned Town Meetings as govern Special Town Meetings.

### **Section 306. Town Meeting Moderator**

A. There shall be a moderator elected at each Town Meeting. The moderator shall be an elector of the Town and shall have a working knowledge of Robert's Rules of Order.

## **Chapter- IV. BOARD OF SELECTMEN**

### **Section 401. Number of Selectmen**

There shall be a Board of Selectmen consisting of five (5) members. The members shall receive such compensation as is approved in the Town budget, to include reimbursement of reasonable expenses incurred in the performance of official duties. No more than three (3) members of such Board shall be members of the same political party.

### **Section 402. General Powers and Duties**

The Board of Selectmen shall have the powers and duties which, at the effective date of this Charter, were conferred upon it by the Constitution and general laws of the State. It shall have such additional powers as shall enable it:

A. To enact, amend or repeal minor Ordinances providing they are not inconsistent with this Charter and not inconsistent with Ordinances adopted at prior Town Meetings, and not inconsistent with the General Statutes of the State of Connecticut.

B. To recommend to the Town Meeting the creation, consolidation, modification or abolition of agencies, commissions, boards and authorities not otherwise provided for in this Charter. The Board of Selectmen may create any agency, commission, committee, board, authority or department for a nonrenewable term not to exceed eighteen (18) months;

C. In adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed in book form, or any portion thereof, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be filed two copies of such code, rules or regulations in the office of the Town Clerk for inspection and copying by the public at reasonable hours in lieu of publication in any newspaper;

D. To fix the charges, if any, to be made for services rendered by the Town;

E. To compile the Annual Town Report;

F. To accept roads on behalf of the Town, provided that any road so accepted

(1) Complies with planning and zoning regulations,

(2) Is certified by the Town Engineer as having been constructed in accordance with Town standards and

(3) That proper deeds, which have been approved by the Town Attorney, are in the hands of the Board of Selectmen. Once acceptance is given, the Town Clerk shall be provided with a copy of the resolution accepting any road(s) and the deed(s) for inclusion with the land records of the Town;

G. Make such appointments to local and regional agencies as are provided by law subject to the limitations of this Charter and any ordinances of the Town.

### **Section 403. Procedure**

At its first meeting following each biennial Town Election, the Board of Selectmen shall fix a time and place of its regular meeting and provide a method for the calling of special meetings. At this meeting, the Board, by a majority vote of the entire membership, shall select a Vice-First Selectman, who shall act in the absence or temporary disability of the Chairman First Selectman. In the event a vote for the Vice-First Selectman is not taken at the first meeting, such Vice-First Selectman must be chosen at the next meeting at which a quorum of the entire Board is present. The Board of Selectmen shall, by resolution, determine its own rules of procedure, except that each Selectman shall be able to make a motion or offer a proposal which shall be considered by the Board of Selectmen without the necessity of a seconding motion. All meetings of the Board of Selectmen for the transaction of business shall be open to the public, except that the Board of Selectmen may stand in executive session whenever otherwise permitted by law. The votes of each member shall be recorded at the session at which they occur and reported in the minutes of such meeting. The majority of the entire Board of Selectmen shall constitute a quorum, and no ordinance, resolution, or action except a vote to adjourn or fix the time and place of the next meeting shall be adopted by less than a majority of the entire Board of Selectmen.

### **Section 404. Public Hearing on and Publication of Ordinances**

At least one public hearing, notice of which shall be given at least five (5) business days in advance by publication in at least (1) newspaper having a general circulation in the Town and by posting a notice in a public place, shall be held by the Board of Selectmen before any ordinance, not covered by Section 105H, shall be passed by it. Any actions, ordinances or regulations not enacted in accordance with the provisions of this section or within the provisions of this Charter will be deemed null and void. 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, and available for inspection and copying by the public at reasonable hours. Within ten (10) days after final passage, the text of each ordinance shall be published in summary form in a newspaper having circulation within the Town. Nothing herein shall prohibit the periodic codification or re-codification of existing Town ordinances. Every ordinance, unless it shall specify a later date, shall become effective on the twenty first (21) day after such publication following its final passage except if overruled as provided in Section 409 of this Charter.

## **Section 405. Public Emergencies**

Whenever a public emergency exists or threatens to arise that creates an imminent threat to the lives or property of the inhabitants of the Town or property of the Town, the Town Administrator or the First Selectman, or his/her designee may declare a public emergency and shall have the power to mobilize, organize, and direct the forces of the Town and to call upon the forces of the Federal Government, the State of Connecticut and other political subdivisions. The Town Administrator or the First Selectman or his/her designee may summon, marshal, deputize or otherwise employ other persons to do whatever he may deem necessary for the purposes of meeting the emergency. Spending necessary to meet said public emergency shall be pursuant to Section 809 of this Charter. Emergency ordinances may be enacted, pursuant to Section 406 of this Charter.

## **Section 406. Emergency Ordinances**

An ordinance adopted by the Board of Selectmen as a public emergency measure must state the facts constituting such public emergency and shall become effective immediately. It shall be published in a newspaper having a general circulation in the Town and by posting a notice in a public place as soon as possible thereafter. No public hearing or notice of public hearing shall be required for a public emergency ordinance. Every such emergency ordinance, unless repealed at an earlier time, including any amendment thereto, shall automatically stand repealed at the termination of the sixty first (61) day following passage of said ordinance, except that if the emergency continues, the Board of Selectmen may continue said ordinance for one additional period not to exceed sixty (60) days

## **Section 407. Coordination**

With the support of the Board of Selectmen, the Town Administrator shall coordinate the activities and operations of the Town government and may convene joint meetings of Town agencies and require reports or information to be submitted by the agencies as the Board of Selectmen or Town Administrator may deem necessary.

## **Section 408. Oath of Officers**

The Selectmen shall, forthwith, after the election or appointment of any Town officers of whom an oath is required by law, cause them to be sworn to a faithful discharge of their respective duties by the Town Clerk or in his or her absence, an Assistant Town Clerk. Notice of election or appointment shall be in written form indicating if the oath is needed, as well as the time and location of the next regularly scheduled meeting of the appropriate group.

**Section 409.** *Section 409 including all subsections, have been repealed in its entirety by the Charter revision of 2002.*

### **Section 410. Removal for Cause**

Any member of an appointed Town board may be removed by the Board of Selectmen by an affirmative vote of four (4) members of said Board as provided herein:

A. The Board of Selectmen shall adopt a resolution proposing to remove such member. The Board of Selectmen shall forthwith serve said member with a written statement, by certified mail, stating why the person should be removed from office.

B. The member to be removed shall be given, within fifteen (15) days of such written notice, an opportunity for a hearing before the Board of Selectmen, at which said member may appear with counsel. Any member requesting a hearing shall not be removed until such hearing has been held. The hearing shall be open to the public.

C. The final decision with respect to such removal shall be made not later than fifteen (15) days following the close of said hearing. The decision of the Board of Selectmen in removing a member shall be final.

### **Section 411. Removal for Failure to Serve**

Any appointed member of a Town Board or Town Agency who, without good cause and timely notification to the Chairman or the Vice Chairman of the Board or agency of the reasons for non-attendance, either fails to attend at least two-thirds of the regular meetings of such board or agency during any twelve consecutive months or fails to attend six consecutive regular meetings of the board or agency shall be deemed to have resigned his or her office. It shall be the duty of the Chairman of the board or agency (or, in his or her absence or disability or where the Chairman's attendance is the concern, the Vice Chairman), to promptly inform the Board of Selectmen of the vacancy; provided however, that the failure to inform the Board of Selectmen of the vacancy as required by this Section 411 shall not affect such Town Board or Town Agency member's deemed resignation. Any such vacancy shall be filled pursuant to Section 208 or 603, as appropriate of this Charter.



## **Chapter V. THE FIRST SELECTMAN**

### **Section 501. General**

A. The First Selectman shall be the Chief Elected Officer of the Town. The First Selectman shall be a voting and participating member of the Board of Selectmen and shall preside at all meetings of said Board. The First Selectman or his/her designee (who must be a Selectman) shall be an ex officio member of all other town commissions, boards and agencies.

### **Section 502. Duties.**

Except as otherwise provided by this Charter, the First Selectman shall have all the powers, duties and responsibilities conferred by law. In addition, he/she shall have all of the powers necessary or incidental to the discharge of his/her duties as set forth in this Charter.

## **Chapter VI. APPOINTED OFFICERS, BOARDS, COMMISSIONS, COMMITTEES AND AGENCIES**

### **Section 601. General.**

The members of boards, commissions, committees, authorities, and agencies specified in this chapter, hereinafter referred to as "Town Boards", shall be appointed by the Board of Selectmen by a majority vote of the entire Board, except as otherwise specifically provided in Section 606J. Said Town Boards shall have such powers and duties as prescribed for such by the General Statutes, except as otherwise specifically provided by this Charter.

### **Section 602. Eligibility.**

Unless otherwise provided for in this Charter or by the Connecticut General Statutes,

A. All members of Town Boards shall be electors of the Town and shall have such other qualifications as the Board of Selectmen may provide.

B. Members of Town Boards shall serve without compensation, except that just and ordinary expenses incurred by said members in the performance of their duties may be reimbursed, provided that such appropriation has been authorized for that purpose.

### **Section 603. Vacancies.**

A. Any vacancy, from whatever cause arising on any Town Board shall be filled in accordance with this Section within 60 days following the date of notice to the Town Clerk and acceptance of any resignation or determination by the Board of Selectmen of such a vacancy. Any such appointment shall be made by vote of the affected board, agency etc. and shall be for the unexpired portion of the term.

B. In filling vacancies, the chair of the affected boards etc. shall notify the major political parties and the general public of such vacancies. All recommendations for appointment shall be made within 35 days after notification of the vacancy to the Board of Selectmen. The affected agency shall appoint a person to fill any vacancy. In the event the affected board fails to act within 60 days, the Board of Selectmen may then fill the vacancy.

### **Section 604. Minority Representation.**

Minority representation for all Appointed Officers, Boards, Commissions, Committees and Agencies shall be determined in accordance with the provisions of Section 9-167a of the Connecticut General Statutes.

## **Section 605. Terms of Office.**

Except as otherwise specifically provided for in this Charter, the terms of all Town Board members shall be for two years, and shall commence on the first Monday in July of 1999 and biennially thereafter. All Town Board members shall be eligible for reappointment and shall continue in office until a successor has been appointed and has qualified.

## **Section 606. Appointed Town Boards.**

There shall be the following appointed Town Boards:

- A. A Conservation Commission consisting of five (5) members, who shall serve two (2) year terms.
- B. A Recreation Commission consisting of five (5) members, who shall serve two (2) year terms.
- C. An Economic Development Commission consisting of five (5) members, who shall serve two (2) year terms.
- D. A Memorial Day Committee consisting of five (5) members, who shall serve two (2) year terms.
- E. A Norton Fund Commission consisting of five (5) members who shall serve two (2) year terms.
- F. A Library Board of Directors consisting of five (5) members who shall serve two (2) year terms.
- G. An Inland Wetlands Commission consisting of five (5) members who shall serve two (2) year terms.
- H. An Ordinance Review Committee consisting of five (5) members who shall serve two (2) year terms.
- I. Such other Town Boards as may from time to time be established by ordinance, whose function, composition and terms of members shall be prescribed in the establishing ordinance.
- J. A Capital Improvement Plan Committee consisting of seven (7) members. The Committee shall be composed of designees chosen by a majority vote of their respective Boards as follows:
  - 1 member of the Board of Education
  - 1 member of the Board of Fire Commissioners
  - 1 member of the Board of Finance
  - 1 member of the Board of Selectmen

The terms of the designees shall be determined by their respective Boards, providing they do not exceed the length of term specified in Section 605 (as amended) of this Charter. The remaining 3 members shall be designated as members at large who shall not be members of the above boards and shall be appointed as prescribed in Section 601 and 605 as modified.

**Section 607. Alternates.**

The Town Meeting may, by ordinance, provide for the appointment of alternates to the appointed boards delineated in Section 606 when deemed necessary.

**Section 608. Rules of Procedure.**

Each appointed Town Board, shall, by resolution, determine its own rules of procedure, provided that all regular and special meetings shall be held in accordance with the applicable provisions of the General Statutes. Such rules of procedures shall be filed with the Office of the Town Clerk and with the Board of Selectmen within thirty (30) days of their adoption. Amendments to rules of procedures may be made at any meeting, providing that such amendments are properly on the call of the meeting and filed with the Town Clerk within seven (7) days of their adoption. In the absence of rules, or the failure of a Town Board to file aforementioned procedures or amendments with the Office of the Town Clerk, the Board shall be deemed to have adopted (the) "Robert's Rules of Order", as published and amended.

## **Chapter VII. ADMINISTRATIVE OFFICERS**

### **Section 701. General.**

With the exception of 702(O), Town Clerk, which is an elected position, the Board of Selectmen shall appoint, and as necessary remove the Administrative Officers provided for in Section 702 by the methods and manners contained in each subsection. Appointments shall be made through competitive examination. In this Competitive Examination process a screening/interview committee made up of incumbents from other towns of the office to be appointed shall be assigned to determine qualified candidates. The competitive exam process may be modified as necessary by a majority vote of the Board of Selectmen after holding a public hearing and modifications shall be recorded with the office of the Town Clerk.

All officers shall receive such compensation as determined by the Board of Selectmen, unless delineated otherwise in the subsections below, subject to inclusion in the annual budget. The terms of all such officers, except as otherwise provided in the Charter, shall be set by the Board of Selectmen. Unless otherwise restricted by the Selectmen or other provisions of this Charter, officers need not be residents of the Town. However, all else being equal, priority shall be given to Andover residents when appointments are made.

### **Section 701A. Town Administrator**

The Town Administrator shall be the Chief Executive Officer of the Town of Andover responsible to the Board of Selectmen for the supervision, direction and administration of all Town of Andover departments, agencies and offices except the Board of Education and Town agencies whose head or members are elected by popular vote.

### **Section 701B. Appointment Procedure**

The Board of Selectmen shall appoint a Town Administrator who shall be the chief executive officer of the Town to serve at the pleasure of the Selectmen. The appointment shall be made by a majority vote of the Board of Selectmen based on the recommendation of an ad hoc search committee consisting of 2 members of the Board of Selectmen, a member of the Board of Finance and two electors of the Town who do not hold any public office whatsoever, chosen by said three public officials. No more than a bare majority of the search committee may be registered members of the same political party.

The selection process will include an advisory screening/review committee made up of incumbents from other towns in similar positions to determine qualified candidates. The recommendation of the search committee to the Board of Selectmen will be by simple majority.

### **Section 701C. Qualifications; Compensation.**

The Town Administrator shall be chosen by the Board of Selectmen exclusively on the basis of executive, technical and administrative qualifications, character, educational background, training/certification and professionally related experience. Educational training must include a minimum of a baccalaureate degree. The Town Administrator shall devote full working time to the duties of the office.

### **Section 701D. Duties of the Town Administrator**

As Chief Executive Officer of the Town of Andover, under the general direction of the Board of Selectmen, the Town Administrator shall:

1. Ensure that all laws and ordinances governing the Town are faithfully executed;
2. Make periodic reports to the Board of Selectmen;
3. Attend Board of Selectmen meetings with full authority to participate in them, but, without the authority to vote;
4. Make a continuous review of the current and future needs of the Town and in connection therewith, require reports and information to be submitted by any agency of the Town;
5. Recommend to the Board of Selectmen such measures as may be necessary or expedient;
6. Keep the Board of Selectmen informed of state and federal grant programs for which the Town may be eligible and apply for and implement the same;
7. Periodically review all insurance coverage carried by the Town, including the local Board of Education and recommend to the Board of Selectmen adjustments and improvements in such coverage;
8. Assist the Board of Selectmen in preparing the annual town report and cause it to be printed as soon as possible after the close of the Fiscal Year;
9. Keep the Board of Selectmen and Board of Finance fully advised of the financial condition of the Town;
10. Prepare and submit a proposed annual budget to the Board of Selectmen and the Board of Finance;
11. Expend or withhold the funds necessary to ensure the smooth and fiscally sound operation of Town business and the health, safety and well being of the Town and its residents, consistent with this Charter;

12. With the exception of real estate, motor vehicles and the like, purchase or lease or causing to be purchased or leased, subject to such rules and regulations as may be adopted by the Board of Selectmen, all supplies, materials, equipment and other commodities required by any office, board, agency or commission, including the local Board of Education to the extent said board shall authorize;

13. Assist the Board of Selectmen to develop long term goals for the Town and strategies to implement such goals;

14. Promote partnerships among the Board of Selectmen, Board of Finance and citizenry to develop sound public policy and build a sense of community; and

15. Exercise such authority and perform such other duties as may be required by ordinance or resolution of the Board of Selectmen not inconsistent with this Charter.

#### **Section 701E. Removal of the Town Administrator**

1. The Town Administrator may be removed by a four-fifths (80%) vote of the entire membership of the Board of Selectmen. At least thirty (30) days before the proposed removal of the Administrator, the Board of Selectmen shall adopt a resolution stating their intention to remove the Town Administrator and the reasons therefor. A copy of the resolution shall be served on the Administrator who may, within ten (10) days, demand a public hearing. In this event, the Administrator shall not be removed until such public hearing has been held. Upon the passage of such a resolution, the Board of Selectmen may suspend the Town Administrator from duty provided that the salary of the Administrator shall continue until removal from office. Any action of the Board of Selectmen in removing the Administrator shall be final.

2. Upon the suspension, removal or resignation of the Town Administrator, the Board of Selectmen may appoint a temporary Administrator who shall be a qualified administrative officer to serve at the pleasure of the Board of Selectmen until a permanent replacement Town Administrator is appointed pursuant to this chapter of this Charter.

#### **Section 702. Administrative Positions.**

There shall be the following Administrative/Officer positions:

A. A Town Assessor - The Board of Selectmen shall appoint the Assessor who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this charter, and this office shall have permanent status. The Assessor shall be a town employee subject to all rules and provisions of the Personnel Policies and his/her contract. Removal of the Assessor must

be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

B. A Building Official - The Board of Selectmen shall appoint the Building Official who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this charter, and this office shall have permanent status. The said officer shall be a town employee subject to all rules and provisions of the Personnel Policies and his/her contract. Removal must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

C. A Municipal Agent for the Aging - The Board of Selectmen shall appoint a municipal agent for the aging.

D. Director of Health - The Board of Selectmen shall appoint a Director of Health as mandated by the State of Connecticut. The Director of Health is employed part time subject to all rules and provisions of his/her contract. The said officer shall be compensated by stipend.

E. An Animal Control Officer - The Board of Selectmen shall appoint an Animal Control Officer. The said officer shall be employed part time.

F. A Tree Warden - The Board of Selectmen may appoint a tree warden.

G. A Sanitarian/Wetlands Enforcement Officer - The Board of Selectmen shall appoint a Sanitarian/Wetlands Officer. The said officer is to be employed subject to all rules and provisions of his/her contract.

H. A Zoning Enforcement Officer - The Board of Selectmen shall by a majority vote of the entire Board appoint, and by a four-fifths (80%) vote of the entire Board be enabled to remove the Zoning Enforcement Officer, providing either action has been secured with the advice and consent of a majority of the members of the Planning and Zoning Commission in a meeting warned and held for such purpose. The Zoning Enforcement Officer shall have the powers and duties as are provided for such in the General Statutes, except as otherwise provided by this Charter.

I. A Treasurer - The Board of Selectmen shall appoint the Treasurer who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this charter, and this office shall have permanent status. The Treasurer shall be a town employee subject to all rules and provisions of Personnel policies. Removal of the Treasurer must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.



J. A Town Attorney - The town attorney shall be an attorney-at-law, or a firm of attorneys-at-law, admitted to practice in this State, who shall serve for a two (2) year term of office commencing on the first day of July following the Town election 1999 and thereafter, biennially, in odd numbered years. He shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any officers, employees or agencies acting in the course of duty in all matters affecting the Town. He shall, upon written request of the First Selectman or Board of Selectmen, provide a written opinion to any official of the Town on any question of law involving their respective powers and duties. He shall, upon request of the First Selectman or the Board of Selectmen, prepare or approve forms or contracts or other instruments to which the Town is a party. He shall have the power, with the approval of the Board of Selectmen, to compromise and/or settle all claims by or against the Town. Upon request of the Board of Selectmen, he shall attend Town Meetings. Nothing in this section shall prevent the Selectmen, the Board of Education, the Planning and Zoning Commission, or the Zoning Board of Appeals from retaining Special Counsel when the needs of the Town so require. The Board of Selectmen shall on an annual basis conduct a review of the work of the Town Attorney.

K. A Town Engineer - The Board of Selectmen may appoint a Town Engineer or may retain the services of a professional engineer licensed in the State of Connecticut to assist in matters of engineering, road and drainage matters and such other matters as they may determine.

L. Police Service - The Town may utilize the services of the resident state trooper program.

M. A Public Works Maintenance Team Leader - The Board of Selectmen shall appoint the Public Works Maintenance team leader who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this Charter, and this office shall have permanent status. The said officer shall be compensated on an hourly basis. The public works maintenance team leader shall be a town employee subject to all rules and provisions of Personnel Policies. Removal must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

N. A Tax Collector - The Board of Selectmen shall appoint the Tax Collector who shall have all the powers and duties imposed and conferred by Connecticut General Statutes. Appointment shall be made from among the highest candidates chosen on the basis of competitive examination as provided in Section 701 of this Charter, and this office shall have permanent status. The said officer shall be compensated on a salary basis only. The Tax Collector shall be a town employee subject to all rules and provisions of Personnel Policies. Removal of the Tax Collector must be for just cause and confirmed by affirmative vote of four-fifths (80%) of the entire Board of Selectmen.

O. A Town Clerk

**Section 703. Additional Officers and Employees.**

The Board of Selectman, subject to the approval of the Town Meeting, may appoint such additional officers, as the needs of the Town require, subject to budgetary appropriations.

## **Chapter VIII. FINANCE AND TAXATION**

### **Section 801. Fiscal Year.**

The Fiscal Year of the Town shall begin on July 1 and end on June 30 of the following calendar year.

### **Section 802. Duties on the Budget.**

#### **A. Agency and Department Heads.**

At least one-hundred twenty (120 days) before the end of the Fiscal Year, the head of each department, office or agency of the Town, supported wholly or in part by Town funds, except the Regional Board Education, shall file with the Board of Finance a detailed estimate of expenditures to be made by that department, office or agency and the revenues, other than property taxes, to be collected thereby in the ensuing Fiscal Year. Such estimates shall be accompanied by statement setting forth the services, activities and work accomplished during the current year and planned for accomplishment for the ensuing Fiscal Year.

#### **B. Duties of the Board of Finance.**

The Board of Finance shall review the budget estimates with the heads of all Town supported departments, offices, and agencies. Upon completion of the review and not later than sixty days (60) days prior to the end of the Fiscal Year, the Board of Finance shall hold a public hearing, as provided for in Section 802C of this Charter, on the proposed budget.

In preparing the proposed budget, the Board of Finance may add to, delete from, or eliminate requests made by the various departments, offices, and agencies except that the Board may only comment and make recommendations on the budget requests of the local Board of Education. The Board of Finance shall include in budget the estimated budget request of the Regional School District No.8.

The proposed budget shall include:

1. A budget message describing the important features of the proposed Town budget indicating major changes from the current Fiscal Year's, expenditures and revenues, together with the reasons for such changes and containing a summary of the budget contents.
2. Revenues, presenting in parallel columns, the itemized revenues collected in the last completed Fiscal Year, the current year budget estimates, estimated revenues to be collected during the current Fiscal Year and estimated revenues to be collected in the ensuing Fiscal Year.
3. Expenditures, presenting in at least five (5) parallel columns, the actual itemized expenditures for each department, office, board, agency or commission supported wholly or in part by Town funds, including the local Board of Education and Regional

School District No. 8., for the last completed Fiscal Year, the original current budget allocations, the estimated expenditures to be incurred during the current Fiscal Year, the request of each agency, office and department and recommendations of the amounts to be appropriated the ensuing fiscal year. Nothing shall prohibit the inclusion of additional information as may be deemed necessary.

4. A recommendation for those capital projects to be undertaken during the ensuing Fiscal Year and the method of financing those projects.

5. The Board of Finance shall also include in the budget recommendation a program, with due regard to the municipal plan of development, of proposed capital projects for the five years following the next ensuing Fiscal Year, together with an estimate of the cost and the method of financing such projects.

#### C. Additional Duties of the Board of Finance

The Board of Finance shall hold at least one (1) public hearing on the budget at which any taxpayer or elector may have the opportunity to be heard regarding the proposed budget. The Board of Finance may review the budget requests with the head of each department, board, agency and commission including the local Board of Education. Subsequent to such hearing and review, the Board of Finance shall prepare a final budget that incorporates any recommended changes to be presented to the Annual Town Budget Meeting, which shall be in the same format and contain the same information as is provided for in Section 802B(3) above.

### **Section 803. The Annual Town Budget Meeting and Referendum.**

A. The Annual Town Budget Meeting shall be held on one of the first ten business days of May. The proposed budget shall be the only substantive matter presented to this Annual Town Budget Meeting for adoption pursuant to the provisions of this section. It is the intent of this Charter that the provisions of the General Statutes governing town meetings as contained in Section 7-7 shall not apply to the adoption of this budget.

B. If a quorum, as defined in Section 302 of this Charter is present, then the meeting may proceed to adopt or reject the budget. Prior to taking a vote to adopt or reject the budget, the Town Meeting may make amendments to the proposed budget, provided, however, that the Town Meeting shall only have the power to reduce or modify, but not increase the budget or any portion thereof. The Town Meeting may not alter any specific items contained in the budget proposed by the local Board of Education. If the budget is rejected, the Board of Finance shall review the rejected budget and present the same or revised budget to a subsequent Town Meeting held on the same day of the next following week. If the budget is approved, it shall be put to a referendum on the second following Tuesday. Voting by absentee ballot at the referendum is allowed.

C. If a quorum is not present, the meeting shall be recessed to the same day of the following week. If a quorum is not present at the second Town meeting on the budget, the budget shall automatically be put to a referendum on the first Tuesday following the

next Monday. If a majority of those voting at the referendum shall vote "yes", then the budget shall stand approved. If a majority of those voting at the referendum shall vote "no", then the proposed budget shall be returned to the Board of Finance which shall review the rejected budget and shall present the same or a revised budget to a Town Meeting to be held on the next succeeding Tuesday.

D. If a quorum is present at the succeeding Town Meeting on the rejected budget, the Town Meeting may proceed. If a quorum is not present, the budget shall be put to a referendum on the Tuesday following the next Monday. This same adoption cycle shall be followed if the budget is rejected at Town Meeting or referendum until a budget is finally adopted.

E. After the final adoption of the budget at referendum, and with consideration of external budgeting factors including state appropriation(s) and/or the Region Eight budget, the Board of Finance shall meet as soon as possible to set the mill rate for the upcoming Fiscal Year.

F. Notices indicating the date, location and agenda of the Annual Town Budget Meeting(s) and a separate notice identifying the date, and location of the subsequent referendum(s) shall be mailed to eligible voters by US mail at least five (5) days prior to the meeting(s) and subsequent vote.

#### **Section 804. Expenditures Before the Adoption of the Budget**

In the event that a budget has not been adopted by July 1 in any year, the Board of Finance may authorize expenditures and provide for the raising of necessary revenues pursuant to the provisions of Section 7-405 of the General Statutes. However, any such expenditures shall not exceed the amount appropriated in the last approved budget.

#### **Section 805. Supplemental Appropriations.**

A. Duties of the Board of Selectmen. In the event that a department, board, agency or commission, excluding the local Board of Education, shall require a supplemental appropriation, such requests shall be made in writing to the Board of Selectmen. The Board of Selectmen shall forward, with any comments or recommendations that it might have, said request to the Board of Finance with its recommendations. Any request from the local Board of Education shall be presented directly to the Board of Finance.

B. Duties of the Board of Finance. Within thirty (30) days of receipt of a request for a supplemental appropriation, the Board of Finance may hold a public hearing on the request after which it shall either approve or deny the request. The Board of Finance shall be empowered to make supplemental appropriations up to and including an amount that cumulatively is equal to one-half of one percent approved by the Board of Finance. Those which exceed the cumulative one-half of one percent (0.5%) of the current year budget, excluding the amount appropriated for the Regional School District, shall be submitted to a Special Town Meeting pursuant to the provisions of Section

304B of this Charter and if approved, will be sent to referendum pursuant to Section 803 of this Charter.

C. Source of Funding. Funding for supplemental appropriations may be provided from the following sources:

1. Transfer from any available fund balance;
2. By borrowing, provided that any amount so borrowed shall be repaid from the budget of the next ensuing Fiscal Year.
3. Proceeds of federal or state grants, gifts, bequests and the like.

### **Section 806. Expenditures and Accounting.**

A. No purchase shall be made by any agency except through the Town Administrator or a person designated by the Town Administrator. This section shall not apply to the local Board of Education.

B. No voucher, claim or charge against the Town shall be paid until the same as been examined by the Town Administrator and approved for correctness and validity by the department head or other person involved in said purchase. Checks shall be signed by the Town Administrator for payment of approved claims. In the absence or inability to act of the Town Administrator, the First Selectman shall act for the Town Administrator.

C.

1. When an agency, excluding the local Board of Education, shall desire to transfer funds within its appropriation from the funds set apart for one purpose to another, such agency shall file a request with the Town Administrator. The Town Administrator shall examine the matter and, with the concurrence of the Board of Selectmen, shall have the power to approve requests up to a cumulative amount of \$2,000.00 for any one department, office or agency in any Fiscal Year.

2. All requests which exceed the cumulative limit of \$2,000 shall be reviewed by the Town Administrator and then the Board of Selectmen who shall forward such requests to the Board of Finance who shall have the power to approve or deny such requests, up to a cumulative total of ten (10) percent of the agency's total budget for the Fiscal Year.

D. The Town Administrator through the Board of Selectmen, may request, but only within the last three (3) months of the Fiscal Year, that the Board of Finance transfer any unencumbered appropriation, balance or portion thereof, from one department, office or agency to another. The Board of Selectmen shall provide to the Board of Finance a statement certifying that the balance to be transferred is not needed by the department, office or agency from which such transfer is being made. This section shall not affect the local Board of Education which shall have the power to make its own

transfers provided that such transfers are reported to the Board of Finance when so made.

E. Any fiscal obligation entered into by any official without first following the proper processes and procedures delineated in this Charter, or without the prior approval by the board(s) authorized and mandated under this Charter to approve such agreements or expenditures, will be null and void. Every payment made in violation of this Charter shall be deemed illegal and Every official authorizing or making such payment or taking part therein and Every person knowingly receiving such payment or any part thereof, shall be Jointly and severally liable to the both the Town and to individual parties, As indicated, for the following:

1. The full amount of funds so paid or received, or to which the Town is legally committed to paying.
2. A penalty of either \$500 or 10% percent of the full amount of funds so paid or received, whichever is greater.
3. Any and all reasonable fees, both legal, collection, or otherwise, incurred by the town as well as by individuals directly involved in bringing forth a complaint validated by findings of either a majority of the Board of Selectmen, or by a court of competent jurisdiction.

Any officer or employee who knowingly violates the provisions of this Charter shall be subject to removal as provided in this Charter. The Town Attorney shall be directed to seek restitution, where permissible by state law and when authorized either by a majority of the Board of Selectmen, or validated by the findings of a court of competent jurisdiction, against the individual(s), board(s) or commission(s) or appointed officer(s) who have violated the pertinent provisions of this Charter.

### **Section 807. Purchasing.**

The Board of Finance, in consultation with the Capital Improvement Plan Committee and the Board of Selectmen, shall establish and maintain written purchasing procedures and policies which include, but are not limited to, time lines and procedures for submission of Capital equipment purchase requests to the Board of Finance. All Town departments, boards, and agencies, except the local Board of Education, shall adhere to these procedures and policies, as modified.

Upon the authorization of a query or investigation approved by a majority of those CIP members voting, the Capital Improvement Plan Committee and/or its designees shall have full and unfettered access to any and all Town capital equipment records (including but not limited to maintenance records) as they directly relate to the purchase, maintenance, and/or upkeep of current or proposed town-owned or leased capital equipment.

Refusal by any town department, agency or its designee to provide full and unfettered access as noted above or to adequately respond to CIP requests for further information necessary for the CIP Committee to reach a determination in its research, shall empower the CIP Committee to issue a summary dismissal of the town department, agency and/or its designees request for approval of the Capital Equipment purchase or lease. The Board of Finance shall not be empowered to approve any request that has been summarily dismissed as noted above, until such time that a majority of the voting members of the CIP Committee void or revoke the aforementioned dismissal, or the summary dismissal has been repealed by a unanimous vote of both the entire Board of Selectmen and a unanimous vote by the entire voting membership of the Board of Finance.

#### **Section 808. Reserve Fund for Capital and Non-Recurring Expenditures.**

There shall continue to be a reserve Fund for Capital and Non-Recurring Expenditures as the same existed on the effective date of this Charter.

#### **Section 809. Emergency Appropriations.**

For the purpose of meeting an imminent public emergency threatening the lives, health or property of the Town, its businesses, or citizens, emergency appropriations may be made by vote of the Board of Selectmen. Said appropriations shall not exceed \$10,000 for any one occurrence. In the absence of sufficient general fund resources to meet such appropriations, additional means of financing may be provided in such manner as is consistent with the provisions of the General Statutes, as may be determined by the Board of Selectmen in consultation with the Board of Finance.

#### **Section 810. Borrowing.**

A. The Town shall have the power to incur indebtedness by issuing its notes or bonds as provided by the General Statutes and subject to the provisions of this Charter.

B. The Board of Selectmen may, by resolution, recommend to the Board of Finance that the Town issue its bonds or notes for such specific purposes as the Selectmen shall deem to be in the best interests of the Town.

C. The issuance of bonds and notes totaling up to, but not exceeding, ten (10) percent of the current year's tax levy for any single purpose in any one Fiscal Year may, after public hearing and approval of the Board of Finance, be authorized by vote of the Town Meeting pursuant to Chapter III of this Charter.

D. Any resolution approved by the Board of Finance authorizing the issuance of bonds or notes in excess of ten (10) percent of the current year's tax levy shall be submitted for approval or rejection to a referendum vote at a regular or special election. The resolution shall stand approved if so voted by a majority of those voting thereon,



provided that at least fifteen (15) percent of those electors (as defined in Section 9-1 of the Connecticut General Statutes) qualified to vote thereon, shall have voted on the issue.

### **Section 811. Annual Audit.**

The Board of Finance shall annually designate an independent certified public accountant or firm of independent certified accountants to audit the books and accounts of the Town in accordance with the provisions of Title 7, Chapter III, Municipal Auditing Act, Section 7-391 through Section 7-397 of the Connecticut State General Statutes. Said Audit Report shall be forwarded to the Board of Selectmen for inclusion in the Annual Report.

### **Section 812. Tax Bills.**

It shall be the duty of the Tax Collector to mail to each taxpayer a tax bill in accordance with the provisions of the General Statutes. He shall collect such taxes in accordance with the provisions of the General Statutes, except that such taxes, together with interest, penalties and lien fees thereon, shall be turned over to the Town Treasurer within ten (10) business days of collection. Taxes shall be due and payable in such installments as shall be fixed by ordinance. The Tax Collector shall prepare and submit such reports to the Town Administrator, Board of Selectmen, and Board of Finance as may be prescribed.

## **Chapter IX. TOWN EMPLOYEES**

### **Section 901. General.**

The employment and dismissal of Town Personnel under the jurisdiction of the Board of Selectmen will be subject to the approval of the Board of Selectmen. The Board of Selectmen shall approve rules, regulations qualifications, procedures or, changes thereto, for the hiring, dismissal and administration of Town Personnel under their jurisdiction. This shall not affect the following: elected officials and persons appointed to fill vacancies in offices; members of boards and commissions; employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study, or investigation; and those under contract.

Disciplinary decisions, dismissal of any employee under their jurisdiction will be subject to the approval of the Board of Selectmen. An employee may appeal a disciplinary action to the Board of Selectmen who will conduct thorough research including taking testimony. A request may be made by employees to the Board of Selectmen to review objectionable material in their personnel file to determine whether such material is inaccurate, untruthful or misleading.

### **Section 902. Job Description.**

The Town Administrator, subject to the approval of the Board of Selectmen, shall prepare a statement of the duties and responsibilities of each position covered by personnel rules and regulations and of the minimum qualifications for appointment to such position.

### **Section 903. Personnel Rules.**

There shall be a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absences, removals and such other rules as may be necessary to provide adequate and systematic procedures for the administration of the personnel affairs of the Town. Such rules and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen and filed with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all Town employees.

### **Section 904. Salaries.**

The Town Administrator shall submit a proposed pay plan for those employees covered under Section 901 of this Charter to the Board of Selectmen, which pay plan shall take effect upon adoption by resolution of the Board of Selectmen. Said pay plan shall be reviewed annually and amendments may be adopted by the Board of Selectmen from time to time upon recommendation of the Town Administrator. For purpose of Chapter 113 of the General Statutes, as amended, the Town Administrator or his/her designee shall have sole authority to recognize the exclusive bargaining agent for any unit of Town employees and shall act as the bargaining agent for the Town. Such contracts shall become effective upon approval by the Board of Selectmen.

### **Section 905. Retirement.**

The Town may provide a system of retirement benefits for regular full-time employees. The Town may operate its own retirement plan, may enter into a contract with any financial institution authorized to do business in this state, may elect to participate in the Connecticut Municipal Employees Retirement Plan, may elect to participate in the old age and survivor insurance system under the Federal Social Security Act or may choose any combination thereof.

### **Section 906. Official Bonds.**

All officers and employees as may be required to do so by the Board of Selectmen or as prescribed by the Connecticut General Statutes shall, before entering on their respective official duties, execute to the Town, in the form prescribed by the Board of Selectmen 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 Board of Selectmen, conditioned upon the honest and/or the faithful performance of such duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town. Any officer or employee who is not covered under a surety bond shall be covered under the Fidelity Section of the Municipal Insurance Policy, Commercial Crime Declarations which cover premises, theft, robbery, forgery, and employee dishonesty. The liability limit of the policy shall have a \$50,000 minimum per person, per occurrence.

## **Chapter X. TRANSITION AND MISCELLANEOUS PROVISIONS**

### **Section 1001. Transfer of Powers.**

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

All commissions, boards, agencies, departments or offices abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provisions have been made for the discontinuance of such commissions, boards, agencies, departments or offices and the performance of their duties by other commissions, boards, agencies, departments or offices created under this Charter.

### **Section 1002. Present Employees to Retain Positions.**

All employees of the Town on the effective date of this Charter whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Board of Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any provisions of law in force at the time that this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or agency thereof, shall continue to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter. Any employees of the Town as defined in Chapter IX of this Charter on its effective date shall be retained without preliminary or performance tests and shall thereafter be subject in all respects to the provisions of the Charter.

### **Section 1003. Conflicts of Interest.**

Any elected or appointed officer, any member of any board, authority, committee or commission, or any employee of the Town who has financial interest, direct or indirect, or is a member, associate or employee of an organization which has a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any board, authority, committee or commission, shall disclose that interest to the Board of Selectmen for recording upon their official records and any such person shall be thereby disqualified from participation in the awarding, assignment or discussion of any contract, transaction, or decision. Any elected or appointed officer, any member of any board, authority or commission, or anyone in a position to hire or

approve a hiring decision, shall not participate in the discussion or voting or decision to hire in any such matter for which the applicant is related, as defined in Section 105K of this Charter, as amended. Violation of these provision(s) shall be grounds for the removal of any such person pursuant to the provisions of Section 410 as amended, and any such contract, transaction or decision shall be voidable by the Board of Selectmen following a public hearing or by the decision of a court of competent jurisdiction.

#### **Section 1004. Transfer of Records and Property.**

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

#### **Section 1005. Continuation of Appropriations and Town Funds.**

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

#### **Section 1006. Legal Proceedings.**

No action or proceedings, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any commission, board, authority, 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, authority, department or office which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another commission, board, authority, department or the officer to which such functions, powers and duties have been assigned or transferred by or under this Charter.

#### **Section 1007. Existing Laws and Ordinances.**

As of the effective date of this Charter, all general laws and special acts applying to the Town, all ordinances and bylaws of the Town, and all rules and regulations of commissions, boards, authorities, departments and agencies of the Town shall continue in force, except insofar as they are inconsistent with the provisions of this Charter or are repealed.

### **Section 1008. Review and Amendment of Charter.**

The Board of Selectmen shall review, or cause to be reviewed, the several provisions of this charter from time to time as it deems such review to be in the best interest of the Town, but at least every (5) years, said review to be filed with the Town Clerk who shall publish notice of receipt of said report. Amendments to this Charter shall be in accordance with chapter 99 of the General Statutes, as the same may be from time to time amended. A resident or taxpayer may file a written notice with the Town Clerk in cases where he feels that provisions of this Charter are not being enacted. The Town Clerk shall forward such written complaint to the appropriate official, Board or Commission. Response will be required of the Board or Commission within 90 days as to why, after their review, such provision is or is not being enacted. A file of such complaints and responses shall be forwarded to complainants and will be maintained by the Town Clerk for review by the Board of Selectmen and the next officially formed Charter Revision Commission.

### **Section 1009. Savings Clause.**

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

### **Section 1010. Resignations.**

Any elected or appointed member of any board, agency, commission or similar body who wishes to resign from office, shall do so in writing to the Town Clerk with a copy forwarded to the First Selectmen and the Chairman of said agency or similar body. Said resignation shall become effective upon acceptance by a vote of the Board of Selectmen. Resignation by the Town Clerk shall be filed with the First Selectmen. Vacancies shall be filled in accordance with Sections 208 and 603 as appropriate.

### **Section 1011. Effective Date.**

This Charter shall become effective upon the approval of a majority of the electors voting at an election on November 8, 2016 in accordance with the provisions of Chapter 99 of the General Statutes, as amended, provided, however, no provision of this revised Charter shall be implemented until July 1, 2017 or before any date of implementation specified in this Charter.

## **Section 1012. Transition –**

Appointed Boards, Agencies, Commissions and Committees Except as otherwise provided in this Charter, appointed officials, including the Town Treasurer and Tax Collector, serving a specific term on the effective date of this Charter, shall continue to serve until July 31, 1999. The Board of Selectmen that is elected in the municipal election of May 1999 shall make such appointments as are necessary to ensure a full slate of appointed Town Board members may take office on August 1, 1999.

## **Section 1013. Transition -- Elected Offices.**

The term of office of all elected officials serving at the time this Charter is adopted (with the exception of the Town Treasurer and Tax Collector whose terms shall expire in accordance with Section 1012 of the Charter) shall terminate on June 30, 1999 regardless of when such term of office would have ordinarily expired.

### **A. Board of Selectmen:**

1. At the regular municipal election to be held in May 1999, there shall be elected a First Selectman and four (4) members for a term of four (4) years. A political party may nominate one candidate for the office of First Selectman, the winner of which shall be one of the five members of the Board of Selectmen. The votes cast for any unsuccessful candidate for First Selectman shall be counted as votes for such person as a member of the Board of Selectmen.

2. Thereafter, there shall be elected, in the same manner, five (5) members so that the Board of Selectmen shall consist of five (5) members serving four (4) year terms.

### **B. Board of Finance:**

1. At the regular municipal election to be held in May 1999, there shall be elected four (4) members for a term of four (4) years and three (3) members for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected three (3) members for a term of four (4) years.

3. Thereafter, there shall be elected four (4) and then three (3) members so that the Board of Finance shall consist of seven (7) members serving four (4) year overlapping terms.

C. Section 1013C has been repealed in its entirety by the Charter Revision Of 2002

D. Planning and Zoning Commission

1. At the regular municipal election to be held in May 1999, there shall be elected three (3) members for a term of four (4) years and two (2) members for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected two (2) members for a term of four (4) years.

3. Thereafter, there shall be elected three (3) and then two (2) members so that the Planning and Zoning Commission shall consist of five (5) members serving four (4) year overlapping terms.

#### E. Planning and Zoning Commission Alternates:

1. At the regular municipal election to be held in May 1999, there shall be elected two (2) alternates to the Planning and Zoning Commission for a term of four (4) years and one (1) member for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected one (1) member for a term of four (4) years.

3. Thereafter, there shall be elected two (2) and then one (1) member so that there shall be three alternates to the Planning and Zoning Commission serving four (4) year overlapping terms.

#### F. Zoning Board of Appeals:

1. At the regular municipal election to be held in May 1999, there shall be elected three (3) members for a term of four (4) years and two (2) members for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected two (2) members for a term of four (4) years.

3. Thereafter, there shall be elected three (3) and then two (2) members so that the Zoning Board of Appeals shall consist of five (5) members serving four (4) year overlapping terms.

#### G. Zoning Board of Appeals Alternates

1. At the regular municipal election to be held in May 1999, there shall be elected two (2) alternates to the Zoning Board of Appeals for a term of four (4) years and one (1) member for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected one (1) member for a term of four (4) years.



3. Thereafter, there shall be elected two (2) and then one (1) member so that there shall be three alternates to the Zoning Board of Appeals serving four (4) year overlapping terms.

#### H. Fire Commission

1. At the regular municipal election to be held in May 1999, there shall be elected three (3) members for a term of four (4) years and two (2) members for a term of two (2) years.

2. At the regular municipal election to be held in May 2001, there shall be elected two (2) members for a term of four (4) years.

3. Thereafter, there shall be elected three (3) and then two (2) members so that the Fire Commission shall consist of five (5) members serving four (4) year overlapping terms.

#### I. Regional District #8 Board of Education

1. At the regular municipal election to be held May 1999, there shall be elected so many members to the Regional District #8 Board of Education for a term of four (4) years as have been allotted to the Town of Andover.

2. Thereafter, there shall be elected so many members to the Regional District #8 Board of Education for a term of four (4) years as have been allotted to the Town of Andover.

#### J. Local Board of Education

The terms of office of the officials of the Local Board of Education serving at the time the Charter Revision of 2002 is adopted shall continue until such time as would have ordinarily expired.

1. At the regular municipal election to be held in May 2003, there shall be elected two (2) members for a term of four (4) years.

2. At the regular municipal election to be held in May 2005, there shall be elected three (3) members for a term of four (4) years.

3. At the regular municipal election to be held in May 2007, there shall be elected four (4) members for a term of four (4) years.

4. Thereafter, there shall be elected three (3) and then four (4) members so that the Local Board of Education shall consist of seven (7) members serving four (4) year overlapping terms. No more than four (4) of these seven (7) members shall be from any one party.

## **Section 1014– Transition after Adoption of the 2002 Charter Revision**

Except as otherwise provided in this Charter, appointed or elected officials serving a specific term on the effective date of this Charter shall continue to serve until the expiration of the term unless the office is abolished. As terms expire or are vacated, the Selectmen may, as necessary, make appointments for a short term in order to achieve the regular rotation of appointments, and all elected officials shall continue until their successors shall qualify and take office.