

TOWN OF WESTON, CONNECTICUT

INCORPORATED 1787

TOWN CHARTER

AMENDED AND RESTATED AS OF NOVEMBER 7, 2012

DRAFT OF 3/31/12

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Preamble

Since colonial times the Town of Weston has taken its character from the many generations that have cherished local democracy, broad-based citizen involvement, and a strong sense of community. In the tradition of home rule, Westonites call Town Meetings in the belief that every eligible voter is a legislator. As embodied in this Charter, the Town Meeting and the Selectmen together are the legislative body of the Town.

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Weston was an Aspetuck hunting ground until “outlivers” from the town of Fairfield began settling here in the early eighteenth century. Norfield Parish was created in 1757 and the Connecticut General Assembly formally recognized Weston as a separate, incorporated town thirty years later.

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Early Weston was agricultural but soon the use of abundant water power led to the growth of industry. By 1830 Weston was a thriving town of 3,000 people and home to foundries, a grist mill, ax manufacturing, a furniture plant, and four churches. The population began to decline rapidly by the 1850’s, however, due to the opening of the richer agricultural lands in Ohio, the development of steam-powered industry along the coast, and the rise of the industrial towns along the Naugatuck River.

The revival of the Town began early in the 20th century with the arrival of artists, musicians, theater people, writers, and summer residents from New York City, a vanguard of the waves of commuters who first arrived by automobile in the 1930’s. This mixture remains and, together with its excellent schools and many conservation-protected lands, continues to give Weston its special character.

The first Town Charter was adopted by the voters in 1967 and was subsequently amended in 1976, 1979, and 2003. The current version was adopted by the voters on November 6, 2012.

WESTON TOWN CHARTER

ARTICLE 1

INCORPORATION AND GENERAL POWERS

THE CHARTER; TOWN CODE

Section 1.1 ~~Incorporation~~ General Provisions

~~All the inhabitants dwelling within the territorial limits of the Town of Weston, as presently constituted, shall continue to be a body politic and corporate under the name of the "Town of Weston", in this Charter called "The Town". As such, it shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this Charter. It shall also have the additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the general law of the State of Connecticut.~~

(a) The Charter is the organic law of the Town of Weston providing for the administration of the Town's affairs.

(b) Matters of administration of the Town's affairs not provided for by the Charter or local ordinance are governed by the General Statutes and Special Acts of the State of Connecticut applicable to the Town.

Section 1.2 The Town Code

(a) The Charter and the Town ordinances together shall comprise the Town Code.

(b) The Town Code shall be available at the Town Clerk's office, the Public Library and the Town's website or in such other form as is readily available to the public.

Section 1.3 Definitions

The meanings of the defined terms used in the Charter are contained in Article 11.

ARTICLE 2

THE TOWN; ITS LEGISLATIVE BODY

Section 2.1 The Town

The Town shall continue, after the effective date of this amended and restated Charter, as a body politic and corporate with perpetual succession within its territorial limits.

Section 2.2 ~~Section 1.2~~ Powers, Rights and Obligations of the Town

The powers, rights and obligations of the Town contained in the Charter as in effect immediately prior to the effective date of this amended and restated Charter, and attached as Appendix A, shall remain in effect.

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

*~~If, prior to the effective date of this Charter, any contract has been entered into by the Town, or any bond or undertaking has been given by or in favor of the Town which contains provisions that the same may be enforced by any office or agency therein named which is hereby abolished, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in **this** Charter, thereafter be exercised and discharged by the Board of Selectmen **of the Town.**~~*

~~Section 1.3~~ General Grant of Powers

*~~In addition to all powers granted to towns under the Constitution **and general law** of the State of Connecticut, the Town shall have all powers specifically granted by **this** Charter and all powers fairly implied in or incident to the powers expressly **grant** 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 or any federal agency, the State **of Connecticut** or any political subdivision thereof for services and the use of facilities, the exercise of which is not~~*

~~expressly forbidden by the Constitution and the general laws of the State of Connecticut.~~

~~The enumeration of particular powers in this and any other article of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.~~

~~Section 2.3 Section 1.4 Definitions~~ **Legislative Body**

The legislative body of the Town shall be a combination of the Town Meeting and the Board of Selectmen. The legislative powers of the Town Meeting are limited to those matters described in Article 3. All other legislative powers shall reside in the Board of Selectmen.

~~As used in this Charter:~~

~~(a) "Agency" means any elective or appointive board, commission, officer or committee of the Town.~~

~~(b) "Qualified voters" means persons who are eligible to vote at Town Meetings as defined in the General Statutes of the State of Connecticut.*~~

~~(c) "Resident Electors" means persons eligible to vote in the national, state and town elections under the Constitution of the United States and the State of Connecticut and under the general law of the State of Connecticut.~~

~~(d) "Voting List" means the Registrars of Voters' latest official list.~~

~~(e) The "General Statutes" means the General Statutes of Connecticut, revision of 1958 and any amendments thereto.~~

~~(f) "General Law" means all applicable laws including (without limitation) the Constitutions of the United States and of the State of Connecticut, General Statutes, Special Acts, this~~

*At present the General Statutes (Sec. 7-6) provide in pertinent part as follows: "...any person who is an elector of such town may vote and any citizen of the age of eighteen years or more who, jointly or severally, is liable to the town, ... for taxes assessed against him on an assessment of not less than one thousand dollars on the last completed grand list of such town, ... or who would be so liable if not entitled to an exemption ... may vote ...".

~~Charter, ordinances and regulations, and interpretations of the foregoing by courts of competent jurisdiction.~~

ARTICLE 3~~ARTICLE 2~~

THE TOWN MEETING

Section 3.1 ~~Section 2.1~~ Legislative Power

The legislative power of the Town, to the extent specified in this ~~article~~Article, shall be vested in the Town Meeting.

Section 3.2 ~~Section 2.2~~ Annual and Special Town Meetings

(a) An Annual Town Budget Meeting shall be ~~convened not later than April 22nd of each year. It shall be called to order at 8:00 PM and if it has not completed its business by 11:30 PM the moderator shall adjourn the Meeting to 8:00 PM of successive evenings, excepting Saturdays, Sundays and Holidays, until its business is completed. The Meeting may also be adjourned from time to time as otherwise provided in this charter.~~ ~~Amendment Effective 11/4/03~~ held at the time, and conducted in the manner, described in Sections 9.5 and 3.3, respectively.

(b) A Special Town ~~Meetings~~Meeting shall be called by the Board of Selectmen ~~pursuant to the terms of this (i) when it deems such Meeting necessary or (ii) when required by the Charter and in the manner provided by~~ or the General Statutes.

Section 3.3 ~~Section 2.3~~ Procedure

(a) All Town Meetings shall be called to order by the First Selectman ~~or, in his absence, the Second Selectman, (if there be one).~~ In the absence of ~~both,~~ the First Selectman, the Selectman designated under Section 5.2 as the acting First Selectman shall call the Meeting to order. If both the First Selectman and the acting First Selectman are absent, the First Selectman shall appoint ~~another~~the other member of the Board of Selectmen if available, or otherwise any other ~~qualified voter~~Qualified Voter, to call the ~~meeting~~Meeting to order. ~~A Moderator shall be elected in accordance with the provisions of this Charter and he shall appoint a parliamentarian for the meeting. All business shall be conducted in accordance with the provisions of this Charter where consistent with the General Statutes. The~~

(b) The Board of Selectmen shall nominate from the Panel of Moderators a member to serve as moderator and a member to serve as alternate moderator for such Town Meeting. All reasonable care shall be taken to avoid conflicts of interests in these selections. Public Notice shall be given of the name of the member so nominated as moderator and such name shall be included in the call of the Town Meeting, if possible. Prior to the Town Meeting, such member shall meet with the First Selectman or the Board of Selectmen to discuss procedures, conduct and possible problems that might arise during the course of the Town Meeting. At the Town Meeting, other persons may be nominated as moderator, and the Town Meeting shall elect its moderator.

(c) The moderator shall appoint a parliamentarian for the meeting.

(d) The Clerk of the Town Meeting shall be the Town Clerk or in the Town Clerk's absence, a person selected by the Town Meeting.

~~Before taking up the business of the Meeting, the moderator shall read the Connecticut State Statutes regarding who is qualified to vote in the Town Meeting and the penalties for unqualified persons voting, and shall direct that all persons present who are not qualified to vote or to speak shall occupy an area in the meeting room which shall be set apart for such persons.~~

(e) Except as otherwise provided in this Charter, action at all Town Meetings shall be by a majority of ~~qualified voters~~ Qualified Voters present and voting.

Section 3.4 ~~Section 2.4~~ *When Action by a Special Town Meeting is Required*

~~(a) To consider and act upon the estimate of the Board of Finance with its recommendations leading to the determination of the annual town budget, as required by the Connecticut General Statutes and as hereinafter provided in Section 8.4;~~

The Board of Selectmen shall call a Special Town Meeting for consideration of the following matters:

(a) ~~(b) To consider and act upon~~ Approval, after recommendation by the Board of Selectmen and ~~approval by~~ the Board of Finance, of:

(ii) ~~(1)~~ any appropriation or authorization for issuance of bonds, notes, or other borrowing ~~in excess of the amounts~~, except as

provided ~~for~~ in Section ~~8.59.7(b,c)~~ or ~~8.6~~ of this Charter; (relating to an interim Annual Town Budget); or

~~(2) the sale or leasing of real estate of the Town, used or reserved for Town purposes;~~

(iii) ~~(3)~~ the purchase, sale or leasing of real estate ~~for~~ by the Town purposes;

~~(c) To consider and act upon any proposed contract or agreement by the Board of Selectmen for services or use of facilities by or with the United States or any Federal agency, the State of Connecticut, or any political subdivision thereof except as provided in Section 3.2 of this Charter;~~

(b) Approval of applications for federal or State grants involving a multi-year commitment to expend Town funds that have not yet been appropriated, but only if, in the Fiscal Year in which such commitment is first incurred, the Board of Finance determines, in its discretion, that the commitment is sufficiently material to warrant a Town Meeting;

(c) Approval of a request for an appropriation described in Section 9.9(c);

(d) Petitions meeting the requirements of Section 3.6 or 3.7;

(e) The abolition of any office provided for in the Charter (other than an elected office), or a reduction in membership of, or abolition of, an appointed Board or Commission provided for in Article 8 of the Charter, in each case, in accordance with Section 4.2(b);

(f) ~~(d) To consider and act upon~~ Approval of any proposal the Board of Selectmen deems of sufficient importance.

Section 3.5 ~~Section 2.5~~ Actions of thea Special Town Meeting Which That May Be Decided By Machine Ballot

Any matter falling within Section ~~2.4 (b), (e) or (d)~~ 3.4 above may be decided by machine ballot:

(a) ~~(a)~~ at the discretion of the Board of Selectmen, or

(b) ~~(b)~~ pursuant to a petition filed in accordance with Section 7-7 of the Connecticut General Statutes in the following manner:

After other business has been completed and after adequate discussion of the ~~appropriation or authorization which is~~ matter(s) to be decided by machine ballot, the moderator shall adjourn the Town Meeting ~~to reconvene~~ and the matter(s) shall be submitted to the Qualified Voters, not less than seven days nor more than fourteen days thereafter, ~~and such appropriation or authorization shall be submitted to the qualified voters~~ for a “yes” or “no” vote on the voting machines ~~between~~ during the hours ~~of 6 AM and 8 PM. The voting machine labels shall be provided by the Town Clerk. After the polls are closed, the moderator, or in the absence of the elected moderator, a substitute moderator appointed by the Clerk of the Town Meeting from the Panel of Moderators, shall cause the vote to be counted and the appropriation or authorization shall, if approved by~~ permitted by the General Statutes. If a majority of those voting ~~thereon,~~ vote “yes” on a matter, the matter shall be deemed to have been adopted by the Town Meeting; otherwise it shall be ~~determined~~ deemed to have been rejected.

Section 3.6 ~~Section 2.6~~ *Petition for Overture of Action of Board of Selectman* Selectmen

~~All ordinances, resolutions~~ Any ordinance, resolution or other action taken by vote of the Board of Selectmen, except those making appointments or removals ~~or, those~~ concerned solely with regulating their internal procedure or emergency ordinances adopted in accordance with the provisions of Section ~~3.5 of this Charter~~ 4.5, shall be subject to overrule by a ~~special~~ Special Town Meeting as follows:

(a) if within ~~twenty~~ 20 days after the publication of any such ordinance or the making of such resolution or the taking of such vote, a petition conforming to the requirements of Section 7-9 and 7-9a of the General Statutes and signed by not less than five ~~per cent~~ percent of the ~~qualified voters~~ Qualified Voters is filed with the Town Clerk requesting its reference to a ~~special~~ Special Town Meeting, then the ~~effective date~~ effectiveness of such ordinance, resolution or other action shall be suspended~~;~~;

(b) the Board of Selectmen shall fix the time and place of such ~~special~~ Special Town ~~meeting~~ Meeting, which shall be within ~~twenty~~ 20 days after the filing of the petition;

(c) notice ~~thereof~~ of the Special Town Meeting shall be given in the manner and at the time provided by ~~law~~ the General Statutes for the calling of a ~~special~~ Special Town Meeting;

~~(d) an ordinance, resolution or action so referred shall take effect upon the conclusion of such meeting unless at least one hundred voters constituting a majority of those present and voting thereon, shall have voted in favor of overruling.~~

(d) if at least three percent of Qualified Voters, constituting a majority of those present and voting thereon, vote in favor of overruling the ordinance, resolution or action, it shall not take effect. Otherwise it shall take effect upon the conclusion of the Meeting.

Section 3.7 ~~Section 2.7~~ *Petition for Special Town Meeting for Enactment of Ordinances or Other Action*

~~Except as provided in Section 2.4, 2.5 and 2.6 of this Charter, not less than 5% of qualified voters may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance or other action by filing such petition, including the complete text of such ordinance, or proposed other action, with the Town Clerk. Amendment effective 11/4/03.~~

Not less than five percent of Qualified Voters may at any time file with the Town Clerk a petition that conforms to the requirements of Section 7-9 and 7-9a of the General Statutes requesting that a Special Town Meeting be held for the enactment of any proposed lawful ordinance or other action. The petition shall contain the complete text of such proposed ordinance or other action.

Any such proposed ordinance or other action shall be submitted to the Town Attorney for examination before being submitted to the Town Clerk. The Town Attorney ~~is authorized to~~ may correct the form of ~~such~~ the ordinance or other action for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and ~~clearness~~ clarity and ~~preciseness~~ precision in its phraseology, but not to change its meaning or effect materially. ~~Provided~~ If, however, ~~that if the~~ such proposed ordinance or other action ~~that is the subject of the petition~~ is materially the same as a matter that ~~previously, within the preceding three years, has been voted upon in a Town Meeting or by referendum machine ballot, then~~ the Board of Selectmen, in ~~their~~ its sole discretion, may reject such petition and not call a ~~special~~ Special Town Meeting. ~~Amendment effective 11/4/03.~~

~~The~~ Unless the Board of Selectmen has rejected the petition pursuant to the foregoing provisions of this Section 3.7, the Board of Selectmen shall call a ~~special~~ Special Town Meeting, to be held not less than ten nor more than thirty days ~~from~~ after the date ~~of such filing, unless prior to such meeting~~ the petition was filed with the Town Clerk. ~~No Special Town Meeting need be held, however, if~~ such ordinance ~~shall have~~ has been enacted or such action taken by the Board of Selectmen prior to the Meeting date.

Notice of the Meeting shall be given in the manner and at the time provided by the General Statutes for the calling of a Special Town Meeting. The Call for such meeting shall state the proposed ordinance or other action in full and shall provide for a “yes” or “no” vote as to its enactment.

~~Provided that there is a quorum at such meeting of~~ If at least ~~five~~ three percent of ~~the qualified voters, then if~~ Qualified Voters, constituting a majority of ~~the qualified voters~~ those present and voting ~~shall~~ thereon, vote “yes,” then such ordinance or other action shall take effect on the tenth day ~~thereafter~~ after the Meeting without further action of the Board of Selectmen; otherwise it shall not take effect.

~~ARTICLE 4~~**ARTICLE 3**

BOARD OF SELECTMEN

Section 4.1 ~~Section 3.1~~ *Number of Selectmen; Holding Other Town Offices*

There shall be a Board of Selectmen consisting of the First Selectman and two additional ~~members~~Selectmen. No ~~more than two members of such Board shall be members of the same political party.~~Selectman shall be employed by the Town in any other capacity or be a member of any Board or Commission except as provided in Section 5.1 relating to ex-officio membership.

~~No Selectman shall hold any other office of profit under the Government of the Town.~~

Section 4.2 ~~Section 3.2~~ *General Powers, Duties and Responsibilities*

Except as provided in Article ~~2 of this Charter~~3, the legislative powers of the Town shall be vested in the Board of Selectmen, and ~~said~~the Board of Selectmen shall have the powers, duties, and responsibilities, ~~which are conferred on them by the Constitution; of the State of Connecticut and the General Statutes and general law of, as well as the State and this Charter, on Boards of Selectmen,~~ including the power, ~~duty and responsibility:~~

- (i) ~~(a)~~ to enact and amend ordinances consistent with ~~this~~the Charter and the General Statutes ~~of the State~~, and to repeal ordinances or amendments adopted under this ~~section~~Section;**
- (j) ~~(b)~~ by ordinance, to create, change, or abolish ~~agencies except those~~Boards, Commissions and offices of the Town other than elected offices, Boards and Commissions; provided that (i) the abolition of an appointed office or a reduction of the membership of, or the abolition of, an appointed Board or Commission provided for in ~~this~~the Charter; must be approved by a Special Town Meeting in accordance with Section 3.4(e); and (ii) the Board of Selectmen may provide for the addition of elected alternates to the Planning & Zoning Commission;**
- (k) ~~(c)~~ by resolution, to enter into agreements with the ~~Commissioner of Transportation of the State of Connecticut pursuant to the General Statutes;~~State or federal government or any agency or either such government; and**

(l) ~~(d)~~ in adopting ordinances, to incorporate all or part of 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~~ that any 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~~ shall be available for public inspection in the office of the Town Clerk ~~for inspection and copying by the public at reasonable hours in lieu of publication in any newspaper;~~ or online.

~~(e) by resolution, to regulate the internal procedure of agencies;~~

The Board of Selectmen shall also have the power, duty and responsibility:

(a) ~~(f)~~ to fix the charges, if any, to be made for services rendered by the ~~town~~ Town;

(b) ~~(g)~~ to obtain a blanket bond for such ~~officers or officials~~ Officials as are to be bonded;

(c) to review and approve: (i) plans for reorganization, creation or elimination of positions and; (ii) job descriptions for Town employees who are not appointed or elected Officials but who report to the Board of Selectmen, directly or indirectly;

(d) ~~(h)~~ at the direction of the First Selectman, to conduct a periodic review of current (~~i.e., 2~~ two-year time span) and projected (at least ~~5~~ five-year time span) financial, administrative, governmental, physical and other needs of the Town, and to initiate programs to meet such needs; ~~and the First Selectman, or his delegate, shall see that such programs are executed by the appropriate agencies;~~

~~(i) to review and approve: (1) plans for reorganization, creation or elimination of positions and; (2) job descriptions for Town employees, other than employees of the Board of Education, who are not appointed or elected officials;~~

(e) ~~(j)~~ except to the extent otherwise provided by ordinance, and, subject to normal budget approval, to review and act on recommendations of the First Selectman to hire, and fix the compensation for, ~~and~~ or discharge, any Town employee at the department head level, who ~~is not elected or appointed, other than an employee of~~ reports, directly or indirectly, to

~~the Board of Education; and the First Selectman or his delegate shall execute such decisions; Selectmen.~~

~~(k) except as otherwise provided by law, to create such offices and Boards as it may deem desirable to carry out the powers, duties and responsibilities of the Board of Selectmen.~~

Section 4.3 ~~Section 3.3~~ Procedure

(a) At its first meeting, to be held not later than two weeks following each biennial Town ~~Election~~election, the Board of Selectmen shall fix the time and place of its regular meetings and shall elect ~~a Second~~an acting First Selectman ~~when~~as required ~~under~~by Section ~~4.2 of this Charter~~5.2. Special meetings of the Board of Selectmen may be called by the First Selectman or by ~~any~~the other two Selectmen with reasonable advance notice being given to the other member(s) of the Board. The Board of Selectmen shall ~~by resolution~~ determine its own rules of procedure, ~~and all motions and proposals of a Board whose entire membership is more than three shall require a seconding motion in order to be considered by~~by reference to Robert's Rules of Order. Two members of the Board shall constitute a quorum.

(b) ~~All meetings~~Meetings of the Board of Selectmen ~~for the transaction of business shall be open to the public except where a legal executive session has been called. The votes of each member shall be recorded at the session at which they occur and reported in the minutes of such meeting. A majority of the members of the Board then in office shall constitute a quorum, and no ordinance, resolution or action, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than a majority of the members then in office, voting in the affirmative.~~shall be conducted, and notice and minutes thereof shall be made available, in accordance with the provisions of the State Freedom of Information Act and otherwise in accordance with the General Statutes.

Section 4.4 ~~Section 3.4~~ Public Hearing On and Publication of Ordinances

At least one public hearing, ~~notice~~Public Notice of which shall be given at least ten days in advance ~~by publication in a 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 shall be passed. 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~~, and shall be properly indexed ~~and~~. Such ordinance shall be published online or in such other form as is readily available for inspection and copying by to the public ~~at reasonable hours~~. Within ten days after final passage, the Town Clerk shall give Public Notice of the text of each ordinance ~~shall~~, except as otherwise provided

~~in this Charter, be published once in its entirety in a newspaper having circulation within the Town~~
Section 4.5, relating to emergency ordinances.

Every ordinance, unless it shall specify a later date, shall become effective on the ~~twenty-first~~21st day after such publication following its final passage ~~except if~~unless it is overruled as provided in ~~Section 2.6 of this Charter~~3.6 or is an emergency ordinance as provided in Section 4.5.

Section 4.5 ~~Section 3.5~~ **Emergency Ordinances**

An ordinance adopted by the Board of Selectmen as a public emergency measure and stating the facts constituting such public emergency shall become effective immediately, and ~~shall be published in a newspaper having a general circulation in the Town~~Public Notice shall be given thereof as soon as possible thereafter. No public hearing or notice of public hearing shall be required for any public emergency ordinance. Every ~~such~~public emergency ordinance, including any amendments thereto, shall automatically ~~stand repealed~~expire at the ~~termination~~end of the ~~sixty-first~~61st day following ~~final~~initial passage of ~~said~~the ordinance.

Section 4.6 ~~Section 3.6~~ **Coordination**

The Board of Selectmen shall coordinate the activities and operations of the Town ~~Government~~government and, from time to time, may convene joint meetings of ~~Town-~~agenciesOfficers, Boards and/or Commissions for such purposes, and/or may require such reports or information to be submitted by ~~the agencies~~them as the Board of Selectmen may deem necessary for such purposes.

ARTICLE 5 ~~ARTICLE 4~~

FIRST SELECTMAN, ~~SECOND SELECTMAN,~~ TOWN ADMINISTRATOR

Section 5.1 ~~Section 4.1~~ **The First Selectman**

The First Selectman shall be the Chief Executive and Administrative Officer of the Town. The First Selectman shall be a full voting and participating member of the Board of Selectmen. ~~He~~ and shall preside at meetings of the Board when present.

The First Selectman shall be an ex-officio member of all ~~agencies of the~~Boards, Commissions or Town committees, but without power to vote. ~~He~~The First Selectman may, ~~in writing,~~ appoint ~~another~~ Selectman to be ~~his~~the First Selectman's representative on any ~~agency of the~~Board, Commission or Town committee, but without power to vote. ~~The First Selectman shall be given reasonable notice of all meetings of all agencies.~~

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law ~~which~~that are consistent with this Charter, and, in addition, ~~he~~ shall have all the powers necessary or incidental to the discharge of ~~his~~the First Selectman's duties and

responsibilities as set forth in ~~this~~the Charter.

Under the general policy direction of the Board of Selectmen, the First Selectman shall have the ~~following~~ responsibilities to:

- (f) ~~(a) Seeing~~see that the administration ~~of the agencies~~ of the Town is coordinated, except those functions expressly reserved or delegated to ~~such agencies~~other Officers, Boards or Commissions by law;
- (a) ~~(b) the execution~~execute and ~~carrying~~carry out ~~of~~ ordinances, resolutions, policies and other ~~action-voted~~actions approved by the Board of Selectmen or the Town Meeting;
- ~~(c) the hiring and with the prior concurrence of the Board of Selectmen, dismissing of paid employees who are not elected or appointed officers or heads of departments.~~
- (h) hire or dismiss, with the prior concurrence of the Board of Selectmen, and subject to the General Statutes, paid employees who are not Officers, or heads of departments, or do not report, directly or indirectly, to the Board of Selectmen (e.g., employees of the Board of Education and officers or members of the Police Department);
- (i) ~~(d) coordination~~coordinate and ~~guidance of~~guide the Board of Selectmen in the discharge of ~~all~~ the Board's duties and responsibilities; and
- (j) direct relationships with State, regional, and federal agencies that have, or are likely to have, an effect on the Town.

~~The First Selectman shall have the following responsibilities relating to the Annual Town Budget:~~

- ~~(a) The First Selectman shall direct the preparation of his budget and its presentation to the Board of Selectmen.~~
- ~~(b) At the annual required public hearings of the Board of Finance on the budget, the First Selectman shall personally present the recommendations of the Board of Selectmen regarding the composition of the total budget and the individual appropriations comprising such total budget for the following fiscal year.~~

To assist in the discharge of the duties and responsibilities of ~~his~~the First Selectman's office, and of the Board of Selectmen, the First Selectman may assign and delegate duties and powers, but not responsibilities, to other

Selectmen, to the Town Administrator, and to other ~~officers~~Officers responsible to ~~him~~the First Selectman.

~~The First Selectman shall be responsible for directing relationships with State, Regional, and Federal agencies which will or are likely to have an effect on the Town.~~

Section 5.2 ~~Section 4.2~~ The Second Selection of an Acting First Selectman

~~Whenever the entire membership of the Board of Selectmen is more than three:~~

~~(a) At the~~its first meeting ~~of~~following each biennial Town election the Board of Selectmen ~~following the general election, the Board~~ shall elect, from its membership, ~~by majority vote, a "Second a~~ Selectman", who, in the temporary absence of the First Selectman, shall: act as First Selectman; provided that the acting First Selectman shall not, during the First Selectman's temporary absence, make any personnel or any significant decisions without the concurrence of the remaining member of the Board of Selectmen. If the person designated as acting First Selectman shall vacate his or her office, the Board of Selectmen shall elect a new acting First Selectman as soon as practicable after the Board has been restored to three members.

~~(i) Act as First Selectman "pro tem" and represent, but not be empowered to act for, the Town, at meetings, conventions or assemblies that would normally be attended by the First Selectman.~~

~~(ii) Preside at regular or special meetings of the Board of Selectmen.~~

~~(iii) Represent the Board of Selectmen at meetings of Town Boards or Commissions, unless other members of the Board of Selectmen have previously been so designated.~~

~~(iv) Preside at Town hearings.~~

~~(v) Assume any other ceremonial duties normally assumed by the First Selectman.~~

~~(b) In the event of the death, permanent disability, resignation or removal of the First Selectman, the Second Selectman shall serve as First~~

~~Selectman until a new First Selectman is put in office pursuant to the General Statutes.* In the event the Second Selectman becomes the new First Selectman, a new Second Selectman shall be elected in accordance with (a) above.~~

Section 5.3 ~~Section 4.3~~ **The Town Administrator:**

There shall be a Town Administrator who shall report directly to the First Selectman ~~and who~~. The Town Administrator shall be hired by, and shall be subject to dismissal by, the First Selectman, in both cases with the prior approval of the Board of Selectmen, ~~shall be hired by the First Selectman, and, with the prior approval of the Board of Selectmen, shall be subject to dismissal by the First Selectman.~~

The duties of the Town Administrator shall be to:

- (k) ~~(a) To aid in recruiting and screening of personnel and to make recommendations relating thereto to the First Selectman;~~
- ~~(b) To see that programs to evaluate employee performance are established and carried out on the basis of job descriptions, and to make recommendations relating thereto to the First Selectman for action;~~
- (l) manage Town employees;
- (m) ~~(c) To assist in preparing the budget~~ Annual Town Budget by gathering the necessary data ~~from the Town agencies~~ and by compiling estimated budgets by the dates set forth in ~~this~~ the Charter;
- (n) ~~(d) To aid the First Selectman in analyzing and reviewing programs, activities, and budgets and their short-term and long-term financial and cash flow implications;~~
- (o) ~~(e) To satisfy reasonable requests by other town agencies~~ Officers, Boards and officials Commissions to provide information ~~at his disposal; and~~
- (p) ~~(f) To carry out such other duties as the First Selectman shall assign to him, where such duties will not conflict with duties assigned by law, to town agencies other than the office of First Selectman~~ the Town Administrator.

* ~~At present the relevant portion of the General Statutes includes Title 9 Section 222.~~

ARTICLE 6~~ARTICLE 5~~

~~ELECTIVE~~**ELECTED OFFICERS, BOARDS AND COMMISSIONS**

Section 6.1 ~~Section 5.1~~ *General Powers and Duties*

All elected Officers, Boards and Commissions shall have the powers and duties prescribed by the General Statutes and this Charter.

Section 6.2 *Elected Officers, Boards and Commissions*

<u>(a) Elected Officers</u>	<u>Term (in years)</u>
<u>First Selectman</u>	<u>2</u>
<u>Two Registrars of Voters (one Democrat and one Republican)</u>	<u>2</u>

~~All elective officers, boards and commissions shall have the powers and duties prescribed by the general law.~~

<u>(b) Elected Boards and Commissions</u>	<u>Number of Members</u>	<u>Term (in years)</u>
<u>Board of Assessment Appeals</u>	<u>3</u>	<u>4</u>
<u>Board of Education</u>	<u>7</u>	<u>4</u>
<u>Board of Finance</u>	<u>7</u>	<u>6, but see Section 6.4</u>
<u>Board of Police Commissioners</u>	<u>7</u>	<u>4</u>
<u>Board of Selectmen (including the First Selectman)</u>	<u>3</u>	<u>2</u>
<u>Planning and Zoning Commission</u>	<u>7</u>	<u>4</u>
<u>Zoning Board of Appeals (plus 3 alternates)</u>	<u>5</u>	<u>4</u>

Section 6.3 ~~Section 5.2~~ *Terms of Office; Election of Officers; Conduct of Meetings*

~~**(a) Except as otherwise expressly provided in this Charter, the term of office for all elective officers and all members of elective Boards and**~~

~~Commissions shall be four years. All elective~~All terms of office for elected Officers, Boards and Commissions shall commence on the Tuesday following the date of election ~~in each case, except that the term of office for Registrars of Voters shall commence on the Wednesday following the first Monday of the January following their election.~~ The Board of Selectmen-elect, ~~elected at a regular Town election,~~ shall, from the date of its election, exclusively have all powers of the Board of Selectmen to make appointments and fill vacancies in offices and memberships on ~~boards, the terms of which extend beyond or commence after the Tuesday following the date of election~~Boards, Commissions and Town committees.

(b) Except as otherwise provided by law, a Chairman and Vice-Chairman of each elected Board or Commission shall be elected each year by the membership of that Board or Commission during the month of January; provided, however, that at no time shall any person be eligible to be elected as Chairman who has served in that office for eight or more successive years. This Section 6.3(b) shall not apply to the Board of Selectmen.

(c) The meetings of elected Boards and Commissions shall be conducted, and notice and minutes thereof shall be made available, in accordance with the provisions of the State Freedom of Information Act and otherwise in accordance with the General Statutes.

Section 6.4 Minority Representation; Staggered Terms; Change in Terms of Board of Finance Members

No more than a bare majority of any elected Board or Commission shall consist of members of the same political party. For example, no more than two of the three Selectmen can be members of the same political party. In addition, no more than a bare majority of alternate members of any elected Board or Commission may be members of the same political party. Terms for members of Boards and Commissions shall continue to be staggered in the same manner as on the effective date of this amended and restated Charter; provided however, that commencing with the Town elections that occur in 2017, the terms of the members of the Board of Finance elected on and after that date shall be reduced to four years, and the staggering of terms shall be as follows: four members will be elected in 2017 and three members will be elected in 2019, and so on.

Section 5.3 Officers Elected for Two Year Terms

At each biennial town election, the following officers shall be elected:

(a) a First Selectman; the votes cast for the unsuccessful candidates for First Selectman shall be counted as votes for him or them as a member of the Board of Selectmen;

~~(b) additional selectmen, in numbers sufficient to constitute the Board of Selectmen.~~

~~(c) a tax collector.~~

~~At each biennial State election, there shall be elected two registrars of voters, one from each major political party to hold office for the term of two years from the Wednesday following the first Monday of the January next succeeding their election.~~

~~Section 5.4 Town Clerk~~

~~There shall be an elective Town Clerk, whose term shall be four years.~~

~~Section 5.5 Board of Education~~

~~There shall be an elective Board of Education consisting of seven members, not more than four of whom shall be members of the same political party, each of whose term shall be four years.~~

~~Section 5.6 Board of Finance~~

~~There shall be an elective Board of Finance consisting of seven members, not more than four of whom shall be members of the same political party and each of whom shall serve a six year term. No member of the Board of Finance shall be a member of any other agency specifically named in this Charter.~~

~~Section 5.7 Board of Tax Review~~

~~There shall be an elective Board of Tax Review consisting of three members, not more than two of whom shall be members of the same political party, each of whose term shall be four years.~~

~~Section 5.8 Planning and Zoning Commission~~

~~There shall be an elective Planning and Zoning Commission consisting of seven members, not more than four of whom shall be members of the same political party, each of whose term shall be four years.~~

~~Section 5.9 Zoning Board of Appeals~~

~~There shall be an elective Zoning Board of Appeals consisting of five regular members, not more than three of whom shall be members of the same political party, and three alternate members, not more than two of whom shall be members of the same political party. At the election to be conducted in November, 1981, one member shall be elected for a term of two years. At the election to be conducted in November, 1983, two members shall be elected for a term of two years. At the same election, three members shall be elected for a term of four years. At each biennial election thereafter, members shall be elected for a term of four years to succeed those whose terms shall have expired. At the election to be conducted in November, 1981, three alternates shall be elected for a term of four years. Thereafter, alternates shall be elected every four years.*~~

~~Section 5.10 Board of Police Commissioners~~

~~There shall be an elective Board of Police Commissioners consisting of seven members, not more than four of whom shall be members of the same political party. At the biennial election to be conducted in November, 1981, four members shall be elected, each for a term of four years. At each biennial election thereafter members shall be elected for a term of four years to succeed those members whose terms shall have expired, so that such board shall thereafter consist of seven members, each of whom is to be elected for a term of four years. No member of the Board of Police Commissioners shall hold any paid or any other elective office of the Town of Weston.~~

~~Section 5.11 Justices of the Peace~~

~~There shall be ten Justices of the Peace, no more than five of whom shall be members of the same political party, whose term of office shall begin on the first Monday of the January succeeding their election and continue until the first Monday of January four years thereafter.~~

Section 6.5 ~~Section 5.12 Compensation; Expenses; Levies~~

(a) The salary of the First Selectman shall be recommended by the Board of Selectmen, acting without ~~his~~ the First Selectman's vote, and ~~such~~

* At present the General Statutes 8-5 and 8-5(a) include provisions relating to the Zoning Board of Appeals and its membership, including alternates.

~~amount shall be included in that Board's annual request for appropriations. The amount of compensation~~ the salary, if any, to be paid to ~~the Selectmen shall be proposed by the Board of Selectmen, approved by the Board of Finance, and included in the Board of Selectmen's annual request for appropriations. The amount of compensation, if any, to be paid to other elected officers or members of elected boards shall be as provided in the General Statutes, applicable Special Acts, ordinances and resolutions, or in absence thereof, shall be~~ other elected Officers shall be as recommended by the Board of Selectmen, ~~and~~ in both instances subject to the normal budgetary approval processes, ~~shall be included in the annual requests for appropriations of said Agencies, and, if necessary, as otherwise provided for in this Charter.~~

(b) The salary of the First Selectman shall not be changed during the First Selectman's term.

(c) (b) Necessary If approved in advance by the First Selectman (or the First Selectman's designee), necessary non-budgeted ~~out-of-pocket~~ expenses ~~of~~ incurred by an elected ~~officer~~ Officer or a member of an elected ~~board, actually incurred~~ Board or Commission in connection with the performance of ~~his~~ such Officer's or member's duties, shall be paid by the ~~town~~ Town upon the requisition of such ~~officer~~ Officer, Board or ~~board~~ Commission in writing, ~~upon the~~ and approval of the Board of Selectmen.

~~(c) The rate of compensation of the First Selectman and the other Selectmen shall not be changed during his or their term.~~

(d) All fees, fines and levies of every kind paid to or on behalf of any elected ~~officer or board~~ Officer, Board or Commission shall, to the extent not otherwise provided by General Statutes, applicable Special Acts, ordinances and resolutions, promptly be remitted to the Town's Treasurer and added to the ~~general fund~~ General Fund of the ~~town~~ Town.

Section 6.6 Special Provisions Regarding the Board of Education; Board of Police Commissioners

(a) As permitted by the General Statutes, Resident Electors may vote for the number of members to be elected to the Board of Education, and the persons receiving the greatest number of votes shall be elected, subject to the minority representation provisions of Section 6.4.

(b) The Board of Police Commissioners shall have the power to appoint the Town's Chief of Police.

ARTICLE 7~~ARTICLE 6~~

ELECTIONS

Section 7.1 ~~**Section 6.1**~~ **General**

Nomination and election of federal and ~~state~~State officers, including ~~registrars~~Registrars of ~~voters~~Voters, and of such ~~elective town agencies~~electd positions as are provided for in ~~this~~the Charter shall be conducted, and the Registrars of Voters shall prepare lists of ~~resident electors~~Resident Electors to vote ~~therefore~~therefor, in the manner prescribed in the ~~Constitution and the general law of the State of Connecticut~~General Statutes, except as hereinafter provided.

~~Election of Town officers~~Unless otherwise provided by the Charter, election of Officers shall be held on the first Tuesday after the first Monday in November in the odd-numbered years, ~~and biennially thereafter.~~

Section 7.2 ~~**Section 6.2**~~ **Voting Districts**

~~There shall continue to be one voting district as the same existed on the effective date of this Charter. The number of such districts shall not be increased or diminished, nor their boundaries altered, except by ordinance of the Board of Selectmen approved by a majority of the electors voting thereon at a regular biennial election of town officers.~~

~~The~~There shall be one voting district for Town elections, and the Board of Selectmen shall provide suitable polling places in the district, ~~or districts, and shall define the boundaries of the area to be served by each polling place.~~

~~**The Selectmen, Town Clerk, Registrars of Voters and all other officers of the Town shall perform the duties required of them by law with respect to elections in the voting district.**~~

Section 7.3 ~~**Section 6.3**~~ **Voter Registration**

Registration of voters shall be effected by a board for admission of electors in accordance with Section 9-15a of the General Statutes, which board shall consist of the Town Clerk or Assistant Town Clerk and the Registrars of Voters.

Section 7.4 ~~**Section 6.4**~~ **Eligibility for Office**

Each elected ~~officer of the town~~Official shall be ~~an elector~~a Resident Elector and if, for any reason, ~~he~~such Official ceases to be ~~an elector of the town~~a Resident Elector, he ~~or she~~ shall thereupon cease to hold electd office ~~therein;~~in Town, and such office shall ~~be deemed~~become

vacant.

Candidates for election to Town office shall include either of the following:

(a) any resident elector who has been nominated by a political party in accordance with the provisions of the General Statutes;

(b) any resident elector whose name has been added to the list of candidates in compliance with the General Statutes.*

Section 7.5 ~~Section 6.5~~ Breaking a Tie

~~Except as otherwise provided in this Charter, when~~ When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of ~~this~~ the Charter results in a tie, an adjourned election shall be conducted to determine who shall be elected; or, in the case of a question at referendum, whether it shall be accepted or rejected. ~~Said~~ The adjourned election or referendum shall be held ~~on~~ during the period from the seventh day to the fourteenth day after the ~~published~~ date of the election or referendum ~~which~~ that resulted in a tie and shall be confined to the tied candidates or issues.

Section 7.6 ~~Section 6.6~~ Vacancies

(a) Should a vacancy occur in the office of First Selectman for any reason, the following procedure shall be followed:

- (i) If the vacancy occurs less than six months prior to the next regular date for the biennial election of Officers, the Selectman designated under Section 5.2 as the acting First Selectman (the "Acting First Selectman") shall fill the vacancy in the office of First Selectman for the remainder of the term.**
- (ii) If the vacancy occurs six months or more prior to the next regular date for the biennial election of Officers, the Acting First Selectman shall fill the vacancy as First Selectman until a new First Selectman is elected in a special election. Such special election shall occur not more than 30 days after the vacancy in the office of First Selectman occurred.**

*-At present, the petitioning procedure for elected candidates is included in the General Statutes, Title 9, Section 453a through 453s.

(b) (i) Except ~~as otherwise in the case of a vacancy in the office of First Selectman, or as~~ provided in the General Statutes and ~~this~~the Charter, any vacancy in an ~~elective~~elected Town office, ~~board~~Board or ~~commission~~Commission shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term or until the next biennial election, whichever ~~shall be~~occurs sooner; provided, that ~~when~~if the ~~persons~~person vacating the office ~~shall have~~has been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.

(ii) If there is a biennial election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until ~~said~~such election by appointment as provided ~~herein~~in (b)(i) above, and subsequently by the election of a person to fill that office for the remaining portion of the term, and such ~~persons~~person shall take office upon election.

Section 7.7 ~~Section 6.7~~ Removal

~~Removal of any elected official shall be in accordance with the general law.~~

(a) An elected Official may be removed from office by the Board of Selectmen upon its finding of good and sufficient cause for such removal. The Official affected by such removal process shall be given notice thereof and an opportunity to appear and be heard at a public hearing before the Board of Selectmen. Willful malfeasance, willful neglect of duty, inability to serve, conviction of a felony, abandonment of office or material violation of Article 10 or the Town's Code of Ethics, as well as any circumstance described in Section 9.10(f), shall constitute cause for removal.

(b) The failure of a member of any elected Board or Commission to attend three consecutively scheduled meetings of such Board or Commission without having given the Chairman or Vice-Chairman of such entity prior notice of such absence with reasons therefor shall be deemed to constitute a cause for removal pursuant to this Section 7.7.

ARTICLE 8 ~~ARTICLE 7~~

~~APPOINTIVE~~APPOINTED OFFICERS, BOARDS AND COMMISSIONS

Section 8.1 General Powers and Duties

All appointed Officers, Boards and Commissions shall have the powers and duties

prescribed by the General Statutes and this Charter.

Section 8.2 ~~Section 7.1~~ **Appointing Authority; ~~Appointive~~Appointed Officers, Boards and Commissions; ~~and Terms of Office~~**

~~Subject to the provisions of this Article, within thirty days after the Tuesday next following the date of its election, the Board of Selectmen shall, by a majority vote of the entire Board, appoint the following officers, boards and commissions to the following terms of office; and such other officers, boards, and commissions as are provided by Town ordinance to the terms provided in each such ordinance:~~

~~(a) To a Two Year Term of Office~~

- ~~(i) A Treasurer, who shall also be the Agent for Town Deposit Fund.~~
- ~~(ii) An Assistant Treasurer~~
- ~~(iii) A Fire Marshal~~
- ~~(iv) A Civil Preparedness Director and Advisory Council~~
- ~~(v) A Constable~~
- ~~(vi) A Town Attorney~~

~~(b) To a Four Year Term of Office~~

- ~~(i) An Assessor~~
- ~~(ii) A Building Inspector~~
- ~~(iii) A Library Board~~
- ~~(iv) A Parks and Recreation Commission~~
- ~~(v) A Conservation Commission~~

~~In addition, the Board of Selectmen shall appoint members of a Jury Committee, a Historic District Commission, a Building Board of Appeals, a Tree Warden, a Dog Warden, all as provided by the General Statutes, and a Panel of Moderators.~~

~~In the case of appointment to a four year term of office, such appointment shall not be made until the term of office of any predecessor to such appointee shall have expired.~~

~~All appointees must meet any statutory condition prerequisite to their qualification. All such appointees shall take office on the day of their appointment and qualification and shall serve until their respective successors shall have been appointed and shall have qualified.~~

Section 7.2 Establishment of New Offices~~The Board of Selectmen shall appoint the following Officers, Boards and Commissions:~~

<u>(a) Officers</u>	<u>Term ((if any, in years)</u>
<u>Animal Control Officer</u>	
<u>Assessor</u>	<u>4</u>

<u>Building Inspector</u>	<u>4</u>
<u>Emergency Management Director</u>	
<u>Fire Marshall</u>	<u>2</u>
<u>Tax Collector</u>	<u>2</u>
<u>Town Attorney</u>	<u>2</u>
<u>Town Clerk</u>	<u>4</u>
<u>Tree Warden</u>	<u>1</u>

~~The Board of Selectmen may establish such other Town officers, boards and commissions, with such membership, as they may determine are necessary or proper for the general welfare of the Town.~~

<u>(b) Boards and Commissions</u>	<u>Number of Members</u>	<u>Term (in years)</u>
<u>Board of Ethics</u>	<u>5</u>	<u>2</u>
<u>Building Board of Appeals</u>	<u>5</u>	<u>5</u>
<u>Commission for Children and Youth</u>	<u>9 (including 2 students)</u>	<u>3</u>
<u>Commission for the Arts</u>	<u>7</u>	<u>2</u>
<u>Commission on Aging</u>	<u>7</u>	<u>2</u>
<u>Conservation Commission</u>	<u>7</u>	<u>4</u>
<u>Historic District Commission</u>	<u>5 (plus 3 alternates)</u>	<u>5</u>
<u>Library Board</u>	<u>9</u>	<u>4</u>
<u>Panel of Moderators</u>	<u>4</u>	<u>4</u>
<u>Parks and Recreation Commission</u>	<u>7</u>	<u>4</u>

Section 8.3 Timing of Appointment; Election of Officers; Conduct of Meetings

(a) The Board of Selectmen shall make the appointments described in Section 8.2 not later than (i) the December 31 following or coincident with the expiration of the applicable individual's term of office, or (ii) 60 days following the expiration of such term of office, whichever occurs sooner. Such appointees shall take office on the effective date of their appointment. The Board of Selectmen shall give Public Notice of the expiration of the term of office of any Officer appointed pursuant to Section 8.2 and of any member of an appointed Board or Commission not less than 30 days prior to such expiration date.

(b) Except as otherwise provided by law, a Chairman and Vice-Chairman of each appointed Board or Commission shall be elected each year by the membership of that Board or Commission during the month of January; provided, however, that at no time shall any person be eligible to be elected as Chairman who has served in that office for eight or more successive years.

(c) The meetings of appointed Boards and Commissions shall be conducted, and notice and minutes thereof shall be made available, in accordance with the provisions of the State Freedom of Information Act and otherwise in accordance with the General Statutes.

Section 8.4 Minority Representation; Staggered Terms

No more than a bare majority of any appointed Board or Commission shall consist of members of the same political party. For example, no more than three of the five members of the Board of Ethics can be members of the same political party. In addition, no more than a bare majority of alternate members of any appointed Board or Commission may be members of the same political party. Terms for members of Boards and Commissions shall continue to be staggered in the same manner as on the effective date of this amended and restated Charter.

Section 8.5 ~~Section 7.3~~ Vacancies and Removals

(a) Vacancies in appointed ~~agencies~~ Officers, Boards or Commissions shall be filled for the unexpired term ~~in the same manner as appointments are made by vote of the Board of Selectmen~~, unless otherwise provided in the statutes, ordinance or resolution creating the same; ~~provided, that when the persons vacating the office shall have been recommended by a political party, such vacancy shall be filled only from among persons recommended by that same political party.~~ The Board of Selectmen shall give Public Notice of any such vacancy.

(b) Any appointed Official may be removed for any of the reasons set forth in Section 7.7 (a) or (b), so long as the process for such removal mandated by Section 7.7(a) is adhered to. In addition, except as otherwise provided by law, any appointed Official (other than the Town Attorney (but see Section 8.6(a)(i), below)) may be removed from office or from membership on such Board, Commission or committee for any reason by the Board of Selectmen, provided that, if the individual is affiliated with a political party, an affirmative vote to remove such individual is cast by at least one Selectman who is of the same party as the person so removed.

Section 8.6 Special Provisions Regarding Certain Officers, Boards and Commissions

~~Except as otherwise provided by law, any appointive officer or any member of a board or commission appointed by the Board of Selectmen may be removed from office or from membership on such board or commission by the Board of Selectmen upon an affirmative vote of a majority of the entire Board, at least one of whom shall be of the same party as the person so removed. If the person removed has no party affiliation, he may be removed upon an affirmative vote of a majority of the entire Board of Selectmen. No person shall be removed without reasonable notice thereof and the opportunity to appear before the Board of Selectmen at a public hearing thereon by himself, or by or with counsel, which hearing shall take place not less than five days, nor more than fifteen days after notice to such person.~~

Section 7.4 General Powers and Duties

~~All appointive officers, boards and commissions shall have the powers and duties prescribed by law, including the General Statutes, applicable Town ordinances, and this Charter.~~

(a) Section 7.5 Town Attorney.

- (i) The Town Attorney shall be an attorney at law admitted to practice law in the Courts of the State. He Unless otherwise provided in this Section 8.6(a), the Town Attorney 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 agencies. Officials, Boards, Commissions or committees. The Board of Selectmen, in its discretion, may remove the Town Attorney and appoint a new Town Attorney.

(ii) ~~He~~The Town Attorney shall be the legal advisor to all ~~Town-officers or agencies~~Officers, Boards or Commissions in all matters affecting the Town and shall, upon prior written ~~request~~approval of the First Selectman, which shall not be unreasonably withheld, furnish them with ~~a written~~an opinion on any questions of law submitted by such Officer, Board or Commission involving their respective powers and duties.

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

~~He shall have power, with the approval of the Board of Selectmen, to compromise or settle any claims by or against the Town, and, subject to the prior approval of the Board of Selectmen and the particular agency involved, to appeal from orders, decisions and judgments.~~

(iv) ~~In the event of disqualification of the Town Attorney or conflict of interest in a particular case, the~~The Board of Selectmen shall ~~appoint other~~have the right, with regard to any matter, to retain counsel ~~to represent other than~~ the Town ~~and/or its various officers, board and commissions, as required~~Attorney. The attorney so selected shall act at the direction of the Board of Selectmen. However, if the Board of Selectmen, or any Selectman, is an adversary party to the Town and/or any of its ~~various officers, boards~~Officers, Boards, or commissionsCommissions, in that particular case, such counsel shall be appointed for the latter by the Board of Finance. The Town shall be under no obligation to supply counsel for any person with respect to any allegation of wrongdoing in office for personal gain or in the event that the Board of Selectmen is seeking to remove such person from office.

~~Section 7.6~~ Building Inspector

~~The Building Inspector shall complete and pass satisfactorily the State of Connecticut examination available for this purpose.~~

~~Section 7.7 Assessor~~

~~The Assessor shall complete and pass satisfactorily the State of Connecticut examination available for this purpose.~~

~~Section 7.8 Library Board~~

~~There shall be a Library Board of nine members, no more than five of whom shall be members of the same political party.~~

~~Section 7.9 Parks and Recreation Commission~~

~~The existing Recreation Commission shall become the Parks and Recreation Commission. It shall consist of seven members, no more than four of whom shall be members of the same political party.~~

(b) ~~Section 7.10 Conservation Commission~~

~~There shall be a Conservation Commission consisting of seven members, not more than four of whom shall be members of the same political party. The Conservation Commission shall be the Town agency which Commission that implements “The Inland Wetlands and Water Courses Act” and all applicable regulations adopted pursuant thereto ~~including those adopted by Town ordinance.~~~~

~~Section 7.11 Historic District Commission~~

~~There shall be a Historic District Commission of five regular members, not more than three of whom shall be members of the same political party, and two **alternate members**, not more than one of whom shall be a member of the same political party, each of whose term shall be five years.~~

~~Section 7.12 Building Board of Appeals~~

~~There shall be a Building Board of Appeals of five members, not more than three of whom shall be members of the same political party, each of whose term shall be five years.*~~

(c) ~~Section 7.13 Panel of Moderators~~

~~(a) General Provisions~~

~~There shall be a panel of moderators of four members, not more than two of whom shall be members of the same political party, each of whom shall serve for a term of four years. All reasonable steps should be taken to seek out qualified moderators for inclusion on the panel, and~~

* ~~At present the relevant portion of the General Statutes is Title 19 Section 402.~~

~~unaffiliated voters shall be invited to submit their names for consideration. Each moderators shall be an elector of the Town which~~ Each moderator shall be a Resident Elector and shall have a working knowledge of or a demonstrable ability to easily comprehend basic parliamentary procedure and specifically, Robert's Rules of Order. ~~Following their appointment, the~~ The Panel of Moderators shall ~~meet to~~ draft a common set of procedures to be used at all Town Meetings, using Robert's Rules of Order as a guideline. This shall be called the "Weston Town Moderators Handbook". ~~Periodically, the panel of moderators shall meet to discuss and, if necessary, revise, add or delete procedures in this handbook"~~ The Panel of Moderators may revise the Handbook from time to time.

(d) (b) Selection of a Recommended Moderator for Any Tax Collector and Town Meeting Clerk

The offices of Tax Collector and Town Clerk shall remain elected offices until the biennial elections occurring in 2013, in the case of the Tax Collector, and 2015, in the case of the Town Clerk.

~~*Not less than ten days prior to any Town Meeting; the Board of Selectmen shall nominate, by majority vote, from the Panel of Moderators a member to serve as moderator and a member to serve as alternate moderator for such Town Meeting. All reasonable care shall be taken to avoid conflicts of interests in these selections. The name of the member so nominated as moderator shall be published in the local newspaper and included in the call of the Town Meeting, if possible. Prior to the Town Meeting, such member shall meet with the Board of Selectmen to discuss procedures, conduct and possible problems that might arise during the course of the Town Meeting. At the Town Meeting, other persons may be nominated as moderator, and the Town Meeting shall elect its moderator.*~~

~~*The Board of Selectmen shall nominate members of the Panel of Moderators on a rotational basis so that they shall act as nearly equal a number of times as possible.*~~

Section 8.7 ~~Section 7.14~~ Compensation; Expenses; Levies

(a) The amount of compensation, if any, to be paid to appointed ~~officers and members of appointed boards~~ Officers shall be set as provided in General Statutes, applicable Special Acts, ordinances and resolutions, and in absence thereof, by the Board of Selectmen, ~~and shall be included in the annual requests for appropriations of said Agencies, and, if necessary, as otherwise provided for in this Charter.~~

(b) ~~Necessary~~ If approved in advance by the First Selectman (or the First Selectman's designee), necessary non-budgeted ~~out-of-pocket~~ expenses ~~of~~ incurred by an appointed officer Officer or member of an appointed ~~board,~~ actually incurred Board or Commission in connection with the performance of ~~his~~ such Officer's or member's duties, shall be paid by the ~~town~~ Town upon the requisition of such ~~officer~~ Officer, Board or ~~board~~ Commission in writing, ~~upon~~ and approval of the Board of Selectmen.

~~(c) The rate of compensation of the holder of any appointed officer or member of any appointed board shall not be decreased during his term of office.~~

(c) ~~(d)~~ All fees, fines and levies of every kind paid to or on behalf of any appointed ~~officer or board~~ Officer, Board or Commission shall, to the extent not otherwise provided by General Statutes, applicable Special Acts, ordinances and resolutions, promptly be remitted to the Treasurer and added to the ~~general fund~~ General Fund of the ~~town~~ Town.

ARTICLE 9 ~~ARTICLE 8~~

FINANCE AND TAXATION

Section 9.1 ~~Section 8.1~~ *Preliminary Budget Estimates*

~~The head of each agency of the Town supported wholly or in part from Town funds, or for which a specific Town appropriation is made, All budget requests shall be made on or before January 14th of each year, except that the Board of Education which request shall be made on or before February 3rd, file. These requests shall be filed with the First Selectman on forms provided by him, and shall contain a detailed estimate of the expenditures to be made by his office or agency and the revenue revenues, other than tax revenues, to be collected thereby in the ensuing fiscal year. Such~~ Fiscal Year. Except for the request by the Board of Education, such estimates shall be accompanied by a statement setting forth, in narrative or such other form as the First Selectman may prescribe, a program or programs showing the services, activities and work accomplished during the current year Fiscal Year and to be accomplished during the ensuing year Fiscal Year.

Section 9.2 ~~Section 8.2~~ *Duties of the First Selectman on the Budget*

~~It shall be the duty of the~~ The First Selectman ~~to~~ shall compile preliminary estimates for the ~~annual budget~~ Town's operating budget, the Board of Education's operating budget, the capital improvement budget and the Town's debt service (which shall be referred to collectively as the "Annual Town Budget") for the ensuing Fiscal Year. Not later than February 10th of each year, the First Selectman shall present to the Board of Selectmen a proposed budget consisting of:

(a) a budget message outlining the proposed financial policy of the Town government, describing ~~in connection therewith~~ the important features of the proposed ~~budget plan~~Annual Town Budget, indicating any major changes from the current ~~year~~Fiscal Year in financial policies, expenditures and revenues together with the reasons for such changes, and containing a clear ~~general~~ summary of ~~its~~the Annual Town Budget's contents;

(b) estimates of revenue, ~~presenting in parallel columns the itemized~~including the receipts collected in the last completed ~~fiscal year~~Fiscal Year, the receipts collected during the current ~~fiscal year~~Fiscal Year prior to the time of preparing the estimates, the receipts estimated to be collected during the current ~~fiscal year, and~~Fiscal Year, estimates of the receipts, other than from the property tax, to be collected in the ensuing ~~fiscal year~~Fiscal Year, and an estimate of the ~~then~~ available surplus; and

(c) itemized expenditures for each ~~office or agency~~Town department and each Board and Commission for the last completed ~~fiscal year and~~Fiscal Year, expenditures for the current ~~fiscal year~~Fiscal Year prior to the time of preparing the estimates, total ~~expenditures as~~ estimated expenditures for the current ~~fiscal year~~Fiscal Year, and the First Selectmen's recommendations for the ensuing ~~fiscal year~~Fiscal Year for all items except those of the Board of Education, which ~~he~~the First Selectman shall transmit to the Selectmen as submitted to ~~him by such board~~the First Selectman by the Board of Education. The First Selectman shall present reasons for all of ~~his~~the First Selectman's recommendations;

~~(d) as~~As part of the budget of the First Selectman ~~he, the First Selectman~~ may present a program previously considered and acted upon by the Town Planning and Zoning Commission, in accordance with Section 8-24 of the General Statutes, of proposed municipal improvement projects for the ensuing ~~fiscal year~~Fiscal Year and for at least the five ~~fiscal years~~Fiscal Years thereafter. Estimates of the costs of such projects shall be submitted ~~by each agency~~ annually in the form and manner prescribed by the First Selectman;

~~(e) the~~The First Selectman shall recommend to the Board of Selectmen those capital projects to be undertaken during the ensuing ~~fiscal year~~Fiscal Year and the method of financing same.

Section 9.3 ~~Section 8.3~~ *Duties of the Board of Selectmen on the Budget*

The Board of Selectmen shall review the ~~preliminary budget prepared by or for the First~~

~~Selectman and that~~ First Selectman's proposed Annual Town Budget, including the proposed budget of the Board of Education. The proposed ~~Selectman's budget~~ Annual Town Budget, including such alterations or changes deemed necessary by the Board of Selectmen, shall be presented to the Board of Finance not later than ~~February 25th. At the same time, they shall also present to the Board of Finance~~ March 1 of each year. The proposed Annual Town Budget shall include the budget proposal of the Board of Education, but ~~such alterations or any~~ changes to ~~it as are~~ the Board of Education's proposed budget as may desired by the Board of Selectmen shall be in the form of recommendations only.

Section 9.4 ~~Section 8.4~~ Duties of the Board of Finance on the Budget, the Annual Town Budget Meeting and Budget Process

After the Board of Finance has received from the Board of Selectmen the recommended ~~appropriations of the Board of Selectmen and the Board of Education~~ Annual Town Budget,

(a) the Board of Finance shall hold one or more public hearings at least two weeks before the date of the ~~Annual Town Budget Meeting~~, at which any ~~elector or taxpayer~~ Qualified Voter may ~~have an opportunity to~~ be heard regarding the recommended appropriations for the ensuing ~~fiscal year~~ Fiscal Year. At least ten days in advance of any such public hearing, the Board of Finance shall ~~cause to be published in a newspaper having general circulation in the Town a notice~~ give Public Notice of such public hearing, together with ~~the amount of~~ the proposed appropriations of the Board of Selectmen and, the proposed appropriations of the Board of Education, in condensed form. Sufficient copies of ~~said~~ the proposed appropriations shall be made available for general distribution in the office of the Town Clerk, online and at the public hearing. At the public hearing the First Selectman shall present the recommendations of the Board of Selectmen regarding the composition of the Annual Town Budget and the individual appropriations comprising the Budget for the ensuing Fiscal Year.

(b) After ~~said hearings~~ the public hearing(s) the Board of Finance shall make such revisions to the proposed appropriations as ~~submitted by the Board of Selectmen and the Board of Education as said~~ the Board of Finance deems advisable and shall thereafter recommend ~~said~~ the proposed appropriations, ~~(as amended~~ revised by the Board of Finance, if ~~amended, applicable)~~ to the Annual Town Budget Meeting.

Section 9.5 The Annual Town Budget Meeting

(a) ~~(c)~~ The Annual Town Budget Meeting shall be held not later than the end of the first full week in May of each year. It shall be called to order at 8 PM and, if it has not completed its business by 11:30 PM, the moderator shall

adjourn the Meeting to 8 PM of successive evenings (adjourning at 11:30 PM if necessary) excepting Saturdays, Sundays and Holidays, until its business is completed. Public Notice of the Notice and Call of the Annual Town Budget Meeting shall be published at least five days prior to ~~such~~the Meeting ~~in a newspaper having general circulation in the Town and by posting such Notice and Call in a public place. Such~~. The published and posted Notice and Call shall be accompanied by ~~a separate tabulation in condensed form of~~ the proposed appropriations, in condensed form, as recommended by the Board of Finance for the ensuing ~~fiscal year~~Fiscal Year.

~~(b) (d) Said proposed appropriations as tabulated shall be in more detail than, but shall not be inconsistent with the Notice and Call of the Annual Town Budget Meeting, and it shall be the responsibility of the Town Clerk to see that these requirements are complied with. Sufficient~~The Town Clerk shall ensure that sufficient copies of ~~said~~the proposed appropriations ~~as recommended by the Board of Finance and as tabulated shall be~~are made available for general distribution in the office of the Town Clerk at least five days prior to the ~~Meeting and at the~~ Annual Town Budget Meeting and at that Meeting.

~~Any other budget information which is distributed to voters at the Annual Town Budget Meeting shall not be inconsistent with the Notice and Call of said Meeting and shall be in the same sequence.~~

~~(c) (e)~~ The Notice and Call of the Annual Town Budget Meeting, ~~(1)~~ shall:

(i) list the line items ~~which~~that the ~~said~~ Meeting is legally entitled to amend, namely, the ~~proposed individual agency appropriations of the~~in Board of Selectmen's proposed operating budget, the ~~proposed~~ Board of Education's proposed operating budget (as one line item, ~~the proposed Contingency Fund and the proposed Reserve Fund for Capital and Non-recurring Expenditures, and the proposed allocations among Town agencies of any Federal revenue-sharing receipts and the proposed Total Annual Town Budget; all as recommended by the Board of Finance for the ensuing fiscal year; and (2) shall~~) and the capital improvement budget

(ii) set forth the Town's debt service budget;

- (iii) state the proposed rate of taxation, indicating the portion attributable to uncollectable taxes, ~~as recommended by the Board of Finance~~ for the ensuing ~~fiscal year~~ Fiscal Year; and
- (iv) ~~(3)state~~ in its preamble ~~shall state~~ who is legally entitled to vote ~~in at~~ the Annual Town Budget Meeting ~~in the same terms as are used in this Charter~~; and
- (v) specify the circumstances under which, and the manner in which, the proposed budgets may be reduced at the Annual Town Budget Meeting; and
- (vi) ~~(4)shall~~ contain any other information required by the General Statutes or ~~this~~ the Charter.

Sufficient copies of ~~said~~ the Notice and Call shall be made available for general distribution in the office of the Town Clerk, online and at the Annual Town Budget Meeting.

(d) ~~(f)~~ The Annual Town Budget Meeting shall consider ~~and~~, discuss ~~said and take action on the~~ proposed appropriations as ~~recommended by the Board of Finance and shall take action upon the same as~~ follows:

- (i) ~~At the Annual Town Budget Meeting,~~ no appropriation shall be made exceeding that for the same purpose recommended by the Board of Finance, or for any other purpose not recommended by the Board of Finance;
- (ii) Any if, and only if, at least two percent of Qualified Voters are present at the Annual Town Meeting, any individual appropriation that is listed on the Notice and Call of the Meeting may be reduced to an amount less than that recommended by the Board of Finance ~~at the Annual Town Budget Meeting by an affirmative~~ by a vote of a majority ~~or more of those Qualified Voters~~ present and voting ~~at such Meeting. No. Any~~ motion ~~shall be entertained by the moderator~~ to reduce the sum of appropriations in the ~~Selectmen's Budget or of all appropriations recommended by the Board of Finance or as amended, unless such motion specifies~~ proposed Annual Town Budget must specify the individual line item ~~in the Notice and Call proposed~~ to be

reduced ~~accompanied by~~ and the amount of ~~such~~ the proposed reduction; and ~~the Notice and Call of the Meeting shall specify this restriction.~~

(iii) the consideration of any proposed decrease in any individual appropriation pursuant to Section 9.5(d)(ii) above shall be by secret ballot if requested by a number of Qualified Voters equal to not less than one-third of those Qualified Voters present at the Meeting.

Section 9.6 The Annual Town Budget Referendum

Voting on the proposed Annual Town Budget, as approved by the Annual Town Meeting, shall be by machine voting. There shall be separate votes, one on each of the following components of **the Annual Town Budget**: (i) the Town's proposed operating budget, (ii) the Board of Education's proposed operating budget and (iii) the capital improvement budget. The voting shall commence immediately after **the Annual Town Budget Meeting** and shall continue that day as long as necessary, in the judgment of the Registrars of Voters, to accommodate all those seeking to cast votes at that time. Voting shall recommence between seven and fourteen days following **the Annual Town Budget Meeting**, and shall occur during the hours permitted by **the General Statutes**. Each component of the proposed Annual Town Budget shall be approved if a majority of Qualified Voters who vote approve that component. At the discretion of the Board of Selectmen, the ballot may permit any Qualified Voters who wish to reject a proposed component or components to indicate whether they would reject the proposed component(s) because they are too high or because they are too low.

Section 9.7 Procedure if the Budget is Rejected

(a) If one or more components the proposed **Annual Town Budget** are not approved pursuant to Section 9.6, the component(s) of proposed Budget that have not been approved shall be reconsidered by the Board of Finance and such component(s) shall be resubmitted to Qualified Voters between ten and twenty-one days after the date the machine voting was completed under Section 9.6. Voting shall occur by **machine ballot**, and Public Notice of such vote shall be given at least five days prior to the date of the vote. The resubmitted proposed component(s) of **the Annual Town Budget** shall be approved if a majority of Qualified Voters who vote approve such component(s). At the discretion of the Board of Selectmen, the ballot may permit any Qualified Voters who wish to reject a component or components of the proposed Budget to indicate whether they would reject the proposed component(s) because they are too high or because they are too low.

(b) Should any component of the proposed budget be rejected again, the process described in Section 9.7(a) shall be repeated with respect to that component until the Annual Town Budget is approved.

~~(iii) After consideration of all proposed appropriations and action upon all amendments thereto has been completed, the moderator shall entertain a motion to approve the total Annual Town Budget for the ensuing fiscal year as recommended by the Board of Finance, as amended, if amended, by the Meeting. If a majority of qualified voters present and voting shall vote in the affirmative on such motion, said Annual Town Budget shall be deemed adopted for the ensuing year, subject however to the provisions of paragraphs (g) to (i) of this Section; but if a majority of qualified voters present and voting shall vote in the negative on such motion, the moderator shall recognize motions to further amend the recommended appropriations listed in the Notice and Call of the Meeting; and the Annual Town Budget Meeting shall continue in this manner until said Meeting has adopted an Annual Town Budget for the ensuing fiscal year in which the Total Annual Town Budget is equal to the sum of the individual appropriations.~~

~~(g) (i) In the event that after the Notice and Call is published and at least twenty-four hours before the Annual Town Budget Meeting is to be convened, a valid petition for a machine ballot is filed pursuant to Section 7-7 of the Connecticut General Statutes, said Meeting shall be convened and shall discuss all items in the Notice and Call and shall act on only those items not so petitioned, and in the event that the recommended Total Annual Town Budget has been so petitioned, the Annual Town Budget Meeting shall discuss but shall not act on any item in the Notice and Call. Not less than seven nor more than fourteen days after the Annual Town Budget Meeting, the petitioned items shall be voted upon by machine ballot in accordance with the said Section 7-7 of the General Statutes.~~

~~(ii) Not less than seven nor more than ten days after such machine balloting, the Annual Town Budget Meeting shall be reconvened pursuant to its original Notice and Call, and taking under advisement the results of said balloting, shall proceed to consider and act upon all items not already acted upon by said Meeting when originally convened, but this shall not preclude said Meeting from reconsidering and acting upon items in the Notice and Call already acted upon.~~

~~Public notice shall be given of the time and place for the reconvened Meeting, but such notice, being a continuation of the originally convened meeting, shall not include a Call.~~

~~(iii) Ten days after the Annual Town Budget Meeting, if no petition was filed under Section 7-7 of the General Statutes, or ten days after the reconvened Annual Town Budget Meeting if such a petition was filed, and if a valid petition for a post-Annual Town Budget Meeting has not been filed by that time, the Annual Town Budget for the ensuing fiscal year as voted by the Annual Town Budget Meeting, or reconvened Annual Town Budget Meeting, as the case may be, shall be deemed adopted.~~

~~(h) (i) But if within ten days following the Annual Town Budget Meeting or the reconvened Annual Town Budget Meeting, a valid petition for a referendum is filed against one or more actions of said Meeting, such action or actions shall be subject to a "Yes" or "No" machine ballot at a referendum to be held between the hours of 6:00 AM and 8:00 PM on a day not less than seven nor more than fourteen days after said petition is filed. Said petition, to be valid, shall be in the form "Shall the action of the Annual Town Budget Meeting on (here insert the date) as to (here insert the line item or items, and/or the Budget Total) be nullified and resubmitted to a reconvened Town Budget Meeting for further consideration and action", and shall have been signed by at least five percent of the qualified voters. The Town Clerk shall supply the voting labels for such referendum.~~

~~(ii) After the polls are closed, the moderator, or in the absence of the elected moderator, a substitute moderator appointed by the Clerk of the Town Meeting from the Panel of Moderators, shall cause the vote to be counted, and if a majority vote "Yes" on any item, it shall be deemed to have nullified the action of the Annual Town Budget Meeting on that item and the item shall stand as not having been adopted; otherwise it shall be deemed to have been adopted.~~

~~(iii) As to any action of the Annual Town Budget Meeting which has been nullified by a majority vote, in a valid post-Town Budget Meeting referendum, not less than seven nor more than ten days after such referendum, the Annual Town Budget Meeting shall be reconvened and shall take action on all such items and only such items as were so voted, and~~

~~if necessary on the Total Annual Budget, and its actions shall be deemed final in adopting the Annual Town Budget for the ensuing year. In acting on an amendment which has received a majority vote of "Yes" at said referendum, the reconvened Annual Town Budget Meeting may increase the item up to the amount recommended by the Board of Finance for that item or up to a smaller sum or may further amend it downward. Public notice shall be given of the time and place for the reconvened Meeting, but such notice, being a continuation of the originally convened Meeting, shall not include a Call.~~

(c) ~~(f)~~ In the event that the Annual Town Budget has not been adopted by July 1 of any year, the budget appropriations of the previous ~~year~~ Fiscal Year shall serve as an interim budget to allow for the continued operation of Town services; ~~and, the provisions of Sections 2.4 and 2.5 of this Charter notwithstanding,~~ the Board of Selectmen, with the approval of the Board of Finance, ~~for up to October 1st of the year in question and~~ from month to month thereafter until the Annual Town Budget has been approved, may meet the obligations of the Town in accordance with said interim budget ~~(1i)~~ by borrowing funds by way of tax anticipation notes, ~~or (2ii)~~ by taxation at a mill rate set by resolution of the Board of Selectmen, ~~or (3iii)~~ by drawing upon funds in possession of the Town, or ~~(4iv)~~ by a combination of two or more of these means; provided that if option ~~(1i)~~ or option ~~(2ii)~~, or a combination of them, is utilized, then within ten days after the Annual Town Budget has been approved the mill rate shall be fixed sufficient to fund the total anticipated obligations of the Town during the remainder of the ~~fiscal year~~ Fiscal Year, including the repayment of all tax anticipation notes outstanding.*

Section 9.8 Filing the Approved Budget

~~(f)~~ An official copy of the Annual Town Budget as finally approved shall be filed by the Board of Finance with the Town Clerk within one week following final approval. Within ten days after the approval of the Annual Town Budget, the Board of Finance shall, by resolution, fix the tax rate in mills ~~which that~~ shall be levied on the taxable property in the Town for the ~~ensuing fiscal year~~ applicable Fiscal Year.

Section 9.9 ~~Section 8.5~~ Additional and Supplemental Appropriations

The Board of Selectmen shall have the power to make:

* In this connection, see C.G.S. 7-405, 12-123 and the Raake Case, 349 A2d 150

(a) ~~The Board of Selectmen shall have the power to make~~ an appropriation or appropriations in addition to those provided in the ~~annual budget for any agency~~ Annual Town Budget for any Town department, Board or Commission in a sum not exceeding \$5,000 in a ~~fiscal year~~ Fiscal Year, provided that the total sum so appropriated for all ~~agencies in any fiscal year~~ Town departments, Boards and Commissions in any Fiscal Year shall not exceed \$50,000;

(b) The Board of Selectmen shall also have the power to make, with the approval of the Board of Finance, supplemental appropriations beyond those appropriated ~~in~~ under Section 9.9(a) above, for one or more specific purposes, provided the total sum appropriated under this ~~Subsection~~ Section 9.9(b) in any ~~fiscal year~~ Fiscal Year shall not exceed two percent of the ~~then~~ current tax levy.

Funds for such additional and supplemental appropriations shall, as directed by the Board of Selectmen, be provided from the following:

(i) ~~(a)~~ available unappropriated and unencumbered ~~general fund~~ General Fund cash balance; ~~or~~

(ii) ~~(b) if for a capital expenditure, the appropriation may also be made from~~ the Reserve Fund for Capital and Non-recurring ~~expenditures~~ Expenditures, if for a capital expenditure; or

(iii) ~~(c)~~ the Town's Contingency Fund; ~~or.~~

~~(d) by borrowing, in which event the amount so borrowed shall be repaid from the taxes next levied.~~

Section 8.6 Extraordinary Appropriations

~~Any Town agency may apply at any time for an extraordinary appropriation, not otherwise provided for in this Charter, in accordance with the procedure set forth in this section.~~

~~(a) The agency application shall be in writing and state the nature and amount of the appropriation requested, and shall be filed with the Board of Selectmen and the Board of Finance. Within thirty days after the filing of such application, the Board of Selectmen shall make its recommendation to the Board of Finance, and within thirty days thereafter the Board of Finance shall either approve or deny the application. If recommended by the Board of Selectmen and approved by the Board of Finance, the requested appropriation~~

~~shall be made in accordance with the provisions of Sections 2.4(b) and 2.5 or Section 8.5 of this Charter, whichever shall be applicable.~~

~~(b) If the application is disapproved by either the Board of Selectmen or the Board of Finance, the agency may within twenty days require that its application be submitted to a Special Town Meeting, which the Board of Selectmen shall call.~~

~~(i) At such Town Meeting, if not less than ten percent of the qualified voters are present and voting, and a majority thereof shall vote in favor of the requested appropriation, the appropriation shall be deemed adopted, and the approval of the Board of Selectmen, or the Board of Finance, or both, shall not be necessary.~~

~~(ii) But if pursuant to Section 7-7 of the Connecticut General Statutes, a petition for a machine ballot is filed against the Call of such Town Meeting, such machine ballot shall be held in the manner set forth in Section 2.5 of this Charter, except that the requested extraordinary appropriation shall be deemed approved by the Town Meeting only if a majority of at least ten percent of the qualified voters vote in favor of such appropriation.~~

(c) Any ~~such extraordinary~~Officer, Board or Commission may apply at any time for an appropriation ~~adopted prior to the fixing of the tax rate for the current year, as provided in~~in excess of the amounts available under this Section 8.4 of this Charter, shall be included9.9 (a) and (b), but only in the amount ~~to be raised by such tax. If such appropriation is adopted after the fixing of the tax rate, the funds for it shall be obtained by borrowing, unless otherwise provided in the vote thereon, and the amount so borrowed shall be repaid from the taxes next levied., and on terms, approved by the Board of Selectmen, the Board of Finance and a Town Meeting.~~

Section 9.10 ~~Section 8.7~~ *Expenditures and Accounting*

(a) No purchases shall be made by any ~~agency~~Official, Board or Commission, other than the Board of Education, and the Library Board for books or ~~periodicals~~similar Library materials, except through the First Selectman.

(b) No voucher, claim or charge against the Town, except the Board of Education, shall be paid until the ~~same~~voucher, claim or charge has been (i)

audited by the First Selectman (or the First Selectman's designee) and (ii) approved by ~~him~~the First Selectman or such designee for correctness and validity. Checks shall be drawn by the First Selectman for the payment of approved claims and shall be valid only when countersigned by the Treasurer. In the absence or inability to act of either the First Selectman or the Treasurer with respect to the above duty, the ~~Board of Selectmen shall designate acting~~ First Selectman ~~to~~determined in accordance with Section 5.2 shall substitute ~~temporarily~~ for the First Selectman, and ~~the Assistant Treasurer shall act for~~ the Treasurer shall designate an individual to countersign checks, as the case may be.

(c) ~~When any agency~~Any Officer, Town department, Board or Commission, except the Board of Education, ~~shall desire~~that desires to transfer funds within its appropriation from funds set apart for one specific purpose to another, ~~before making any expenditure thereof such agency shall~~ must first obtain the approval of the First Selectman ~~and thereafter make application to,~~ the Board of Selectmen and the Board of Finance, ~~and upon approval of the Board of Selectmen and The Board of Finance such transfer may be made, but not otherwise.~~

(d) The First Selectman, with the approval of the Board of Selectmen and the Board of Finance, may, within the last three months of the Fiscal Year, transfer surplus funds from the appropriations of one or more ~~agencies~~departments, Boards or Commissions, with prior consent of such ~~agency(s)~~entity or entities, to the appropriations of one or more other ~~agencies~~departments, Boards or Commissions, but only for purposes for which the receiving ~~agency~~entity or ~~agencies~~entities were authorized to expend appropriated funds during the Fiscal Year.

(e) Appropriations for construction or other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made ~~shall have~~has been accomplished or abandoned, ~~provided any such.~~ A project shall be deemed to have been abandoned if three ~~fiscal years shall~~consecutive Fiscal Years have elapsed without any expenditure from or encumbrance of the appropriation therefor. Any portion of an ~~annual~~ appropriation ~~remaining~~relating to that project that remains unexpended and unencumbered at the close of ~~the~~such third Fiscal Year shall lapse.

(f) Every payment made in violation of ~~this~~the Charter shall be deemed illegal and every ~~official~~Official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so

paid or received. If any ~~officer~~Official or employee of the Town ~~shall~~ knowingly ~~incur~~incurs any obligation, or ~~shall authorize~~authorizes or ~~make~~makes any expenditure in violation of the provisions of this Charter, or ~~take any~~takes part ~~therein~~in such violation, such action shall be cause for ~~his~~such person's removal pursuant to Section 7.7(a) and such other sanctions as may be prescribed by law.

Section 9.11 ~~**Section 8.8**~~ **Power to Incur Indebtedness**

The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of Sections ~~2.4~~3.4(a)(i), ~~2.5~~3.5, ~~8.4~~, ~~8.5~~ and ~~8.6 of this Charter~~9.5.

Section 9.12 ~~**Section 8.9**~~ **Contributions**

The Town shall make no charitable or similar contribution to any person, organization or private corporation unless such contribution is (a) included in a category so denominated in the Annual Town Budget or (b) authorized by the General Statute~~Statutes~~ and ~~with the approval of~~approved by the First Selectman, the Board of Selectmen and the Board of Finance.

~~**ARTICLE 9 CONFLICT OF INTEREST AND TRANSITION**~~

~~**Section 9.1 Conflict of Interest**~~

~~No member or employee of any board or agency of the Town shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for supplies, materials, equipment or contractual services furnished to or used by such board or agency. Neither any member of the Board of Selectmen or Board of Finance, nor the Treasurer, Town Clerk or Town Administrator shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for supplies, materials, equipment or contractual services furnished to or used by the Town or any of its boards or agencies. Neither the Treasurer, Town Clerk, Town Administrator, nor any member or employee of any board or agency of the Town shall accept or receive directly or~~

~~indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by the Town, by rebate, gifts or otherwise, any money, or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation. None of the foregoing shall apply with respect to mere shareholding in any publicly owned company whose stock is traded on any major stock exchange.~~

~~Any violation of this Section (1) shall render any such transaction voidable by the Board of Selectmen, or by the Board of Finance if the violation involves a Selectman, and (2) may be cause for dismissal or removal from office, civil prosecution, and/or criminal prosecution: all as the law may allow.~~

~~Section 9.2 Existing Laws and Ordinances~~

~~All ordinances 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 Weston, except those expressly retained by or in the provisions of **this** Charter are repealed. The **following** special acts or parts thereof **are retained**:~~

~~Resolution of the Second Thursday of October 1787, incorporating the Town of Weston;~~

~~Act of July 22, 1875 to set off Weston to the Probate District of Westport;~~

~~Resolution of March 9, 1877 establishing and continuing the line between the towns of Weston and Wilton;~~

~~Special Act No. 151 of 1921~~

~~Special Act No. 84 of 1933~~

~~Special Act No. 149 of 1933~~

~~Special Act No. 567 of 1939~~

~~Special Act No. 620 of 1955~~

~~Special Act No. 27 of 1979.~~

~~Section 9.3 Agency Records and Property~~

~~The records and property of existing agencies shall become the records and property of successor agencies established under this Charter and such successor agencies shall have the same duties and powers their predecessors had, except as otherwise specifically provided in this Charter.~~

~~Section 9.4 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 agency 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 agency party thereto may by or under this Charter be assigned or transferred to another agency, but in that event the same may be prosecuted or defended by the head of the agency to which such functions, powers, and duties have been assigned or transferred by or under this Charter.~~

ARTICLE 10

ETHICAL STANDARDS

~~**CONDUCT OF BUSINESS, ELECTED AND APPOINTED BOARDS AND COMMISSIONS**~~

Section 10.1 Chairmen and Vice-Chairmen *General Provisions*

~~Except as otherwise provided by law, a Chairman and Vice Chairman of each Board or Commission shall be elected each year by the membership of that Board or Commission, not later than January 1st; provided, however, that at no time after the General Election next following the passage of this Charter provision, shall any person be eligible to be elected as Chairman who has served in that office for eight or more successive years. This section shall not~~

~~apply to the Board of Selectmen. Any newly constituted Board or Commission shall elect a Chairman and Vice Chairman by its second meeting.~~

All Officials and employees of the Town shall carry out their duties in accordance with the highest ethical standards, regardless of personal considerations. Their conduct shall (a) at all times be for the public good and within the bounds of law, (b) comply with this Charter and the Town Code of Ethics and (c) avoid conflict between public and private interests and responsibilities. The Board of Ethics shall have the authority to interpret the provisions of this Article 10 and the Town's Code of Ethics.

Section 10.2 *Minutes*Code of Ethics

The Board of Selectmen shall establish by ordinance a Code of Ethics governing the conduct of elected and appointed Officials and employees of the Town. The Code of Ethics shall be supplied to all Officials and employees of the Town.

~~**Each board and commission shall make, keep and maintain a record of the proceedings of its meetings. The vote of each member upon any issue at such meeting shall be recorded and made available for public inspection within forty-eight hours, excluding any Saturday, Sunday or legal holiday, and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection within seven days of the session to which they refer. Such minutes shall be kept in the office of the Town Clerk.**~~

~~Section 10.3 Executive Sessions~~

~~Each board or commission may hold an executive session from which the public is excluded upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, provided the executive session is held for the purposes set forth in the General Statutes, as amended.*~~

~~At an executive session, attendance shall be limited to members of the body and persons invited by the body to present testimony or opinion. Such persons may only remain during the period in which their presence is necessary to present such testimony or opinion and the minutes of the executive session shall disclose all persons in attendance.~~

~~ARTICLE 11~~

~~MINORITY REPRESENTATION~~

~~Except as specifically provided in this Charter, the maximum number of any agency, elective or appointive, who~~

* ~~At present, the following provisions from the General Statutes Title 1 §18a(c) are applicable:~~

- ~~(a) discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussions be held at an open meeting;~~
- ~~(b) strategy and negotiations with respect to pending claims and litigation;~~
- ~~(c) to consider matters concerning security strategy or the deployment of security personnel, or devices affecting public security;~~
- ~~(d) to discuss the selection of a proposed real estate site purchase or lease if publicity regarding such information would cause a likelihood of increased cost of the property under consideration;~~
- ~~(e) to discuss the matters described in Sec. 1-19(b) of the General Statutes.~~

~~may be members of the same political party will be as specified in the General Statutes.*~~

DEFINITIONS

For purposes of the Charter:

“Annual Town Budget” means the sum of (i) the Town’s operating budget, (ii) the Board of Education’s operating budget, (iii) the Town’s capital improvement budget and (iv) the Town’s debt service for a particular Fiscal Year, as further described in Section 9.2.

“Annual Town Budget Meeting” means the Town Meeting described in Section 9.5.

“Board” means an elected or appointed board of the Town.

“Charter” means the Town’s Town Charter, as amended from time to time.

“Commission” means an elected or appointed commission of the Town.

“Fiscal Year” means the 12-month period commencing July 1 and ending June 30.

“General Statutes” means the General Statutes of the State of Connecticut, as amended from time to time.

“Holiday” means a federal or State holiday.

“Officer” means (i) an officer of the Town elected or appointed pursuant to the terms of Articles 6 or 8 of the Charter, respectively, (ii) any Selectman and (iii) the Town Administrator.

“Official” means all Officers and all members of Boards, Commissions and committees of the Town.

“Public Notice” means notice published in a newspaper having general circulation in the

~~*-At present, Minority representation provisions are included in General Statutes, Title 9, Sections 188 (Selectmen) and 204, (Board of Education), and Section 167a which includes the following list:~~

Total Membership	Membership from one Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
more than 9	Two-thirds of total membership

Town and/or, to the extent permitted by the General Statutes, notice given by appropriate electronic means.

“Qualified Voters” means persons who are eligible to vote at Town Meetings as determined under the General Statutes.

“Resident Electors” means persons eligible to vote in the federal, State and Town elections under the Constitutions of the United States and the State of Connecticut and under the General Statutes.

“State” means the State of Connecticut.

“Town” means the Town of Weston, Connecticut.

ARTICLE 11 ~~ARTICLE 12~~

MISCELLANEOUS PROVISIONS

Section 11.1 ~~Section 12.1~~ *Amendment of Charter*

~~This~~The Charter may be amended in the manner prescribed by ~~law~~the General Statutes.

Section 11.2 ~~Section 12.2~~ *Saving Clause*

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

Section 11.3 ~~Section 12.3~~ *Relationship Between the Connecticut General ~~Laws~~ Statutes and the Charter*

~~All general laws of the State of Connecticut applicable to towns shall continue in full force and effect, except insofar as the provisions of this Charter can legally be and are inconsistent therewith.~~

In general, the Charter shall be subject to the provisions of the General Statutes, and in the event that the Charter and the General Statutes conflict, the General Statutes shall govern. Notwithstanding the foregoing, to the extent that it is legally permissible under the terms of the State’s Home Rule Act and judicial interpretations thereof for the Charter to contain terms that are inconsistent with other provisions of the General Statutes, such terms of the Charter shall govern.

**Section 11.4 ~~Section 12.4 Effect of Changes in General Statutes~~
~~Gender~~**

~~The provisions of this Charter shall automatically change concurrently with changes in corresponding sections of the General Statutes, except to the extent that, as a matter of law, the provisions of this Charter may be and remain inconsistent therewith.~~

Use of the term “Selectman” or “Selectmen” is not meant to refer exclusively to the male gender, and all such references shall be construed as inclusive of both genders.

Section 11.5 ~~Section 12.5 Transitions~~Existing Laws and Ordinances****

All ordinances of the Town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of the Charter. All special acts or parts of special acts relating to the Town of Weston, except those expressly retained by or in the provisions of the Charter are repealed. The special acts or parts thereof set forth in Appendix B are retained.

~~To accommodate changes according to this Charter from prior law as to elective versus appointive offices, as to changes in terms of offices, and as to changes in the number of members on any given board, commission or other agency, the following shall obtain following the effective date of this Charter:~~

~~(a) Each person duly holding office as of said date, whose hold term has not expired, shall continue to such office until the end of that term for which he was in office immediately prior thereto, or until earlier vacating same by virtue of resignation, death, ineligibility, removal from office, or other cause.~~

~~(b) As each office is vacated pursuant to (a) above, steps will be pursued which are consistent with causing the provisions of this Charter to be implemented at the earliest possible date:~~

~~(i) Vacancies in formerly appointive offices which are to be elective under the terms of this charter shall be filled by election at the next ensuing biennial election, with any interim vacancies being filled by appointment in accordance with this Charter.~~

~~(ii) Vacancies in formerly elective offices which are to be appointive under the terms of this Charter shall be filled~~

~~by appointment in accordance with this Charter as they occur.~~

~~(iii) Paragraphs (i) and (ii) above notwithstanding, any increase in the number of members of any Board or Commission shall be accommodated at the biennial election next following the effective date of this Charter if elective, or as of the effective date of this Charter if appointive.~~

~~(iv) Paragraphs (i) and (ii) above notwithstanding, any decrease in the number of members of any Board or Commission shall be by attrition, and shall be accommodated by replacement members not being elected at subsequent biennial elections, or not being appointed, as the case may be, until such time as such election or appointment is appropriate and necessary to carry out the terms of this Charter, taking in account provisions to effect staggering of terms of office where appropriate.~~

~~(v) Any changes in the length of term of any given office to render it in conformity with this Charter shall take place upon each such office being filled pursuant to the provisions of this Charter, including the foregoing provisions of this Article.~~

~~(a) The system of staggered terms of offices heretofore in effect is retained.~~

~~Section 12.6 Unlocking Voting Machines~~

~~The unlocking of any voting machine, shall be in accordance with the provisions of the General Statutes.[†]~~

~~Section 12.7 Paper Ballots~~

~~If voting machines are not available in sufficient number, paper ballots may be used in place of, or in conjunction with, voting machines.~~

[†]At present, the pertinent portions include General Statutes, Title 9, Sections 310, 311 and 447.

Section 11.6 ~~Section 12.8~~ Effective Date

This amended and restated Charter shall become effective on the day following its adoption by the ~~qualified voters of the Town of Weston~~ Resident Electors.

APPENDIX A

(a) Incorporation

All the inhabitants dwelling within the territorial limits of the Town of Weston, as presently constituted, shall continue to be a body politic and corporate under the name of the "Town of Weston," in the Charter called the "Town." As such, it shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of the Charter. It shall also have the additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the General Statutes.

(b) Rights and Obligations

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

If, prior to the effective date of this amended and restated Charter, any contract has been entered into by the Town, or any bond or undertaking has been given by or in favor of the Town which contains provisions that the same may be enforced by any office or agency therein named which is hereby or hereunder abolished, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in the Charter, thereafter be exercised and discharged by the Board of Selectmen.

(c) General Grant of Powers

In addition to all powers granted to towns under the Constitution of the State of Connecticut and the General Statutes, the Town shall have all powers specifically granted by the Charter and all powers fairly implied in or incident to the powers expressly granted 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 or any federal agency, the State or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution of the State of Connecticut and the General Statutes.

The enumeration of particular powers in this and any other provision of the Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

[APPENDIX B](#)

[Resolution of the Second Thursday of October 1787, incorporating the Town of Weston;](#)

[Act of July 22, 1875 to set off Weston to the Probate District of Westport;](#)

[Resolution of March 9, 1877 establishing and continuing the line between the towns of Weston and Wilton;](#)

[Special Act No. 151 of 1921](#)

[Special Act No. 84 of 1933](#)

[Special Act No. 149 of 1933](#)

[Special Act No. 567 of 1939](#)

[Special Act No. 620 of 1955](#)

[Special Act No. 27 of 1979.](#)

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<u>Move To</u>	140
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Table Delete	0
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