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WESTON TOWN CHARTER
ARTICLE 1
INCORPORATION AND GENERAL POWERS

Section 1.1 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 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.

Section 1.2 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 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 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 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 1.4 Definitions

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

* 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...".

ARTICLE 2
THE TOWN MEETING

Section 2.1 Legislative Power

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

Section 2.2 Annual and Special Meetings

An Annual Town Budget Meeting shall be convened no 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

Special Town Meetings shall be called by the Board of Selectmen pursuant to the terms of this Charter and in the manner provided by the General Statutes.

Section 2.3 Procedure

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 shall appoint another member of the Board of Selectmen if available, or otherwise any other qualified voter to call the 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 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.

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

Section 2.4 When Action by 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;
- (b) To consider and act upon, after recommendation by the Board of Selectmen and approval by the Board of Finance:
 - (1) any appropriation or authorization for issuance of bonds, notes, or other borrowing in excess of the amounts provided for in Section 8.5(b) or 8.6 of this Charter;
 - (2) the sale or leasing of real estate of the Town, used or reserved for Town purposes;
 - (3) the purchase or leasing of real estate for 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;
- (d) To consider and act upon any proposal the Board of Selectmen deems of sufficient importance.

Section 2.5 Actions of the Town Meeting Which May Be Decided By Machine Ballot

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

- (a) at the discretion of the Board of Selectmen, or
- (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* to be decided by machine ballot, the moderator shall adjourn the Town Meeting to reconvene 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 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 a majority of those voting thereon, be deemed adopted by the Town Meeting; otherwise it shall be determined to have been rejected.

Section 2.6 Petition for Overrule of Action of Board of Selectman

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

- (a) if within twenty 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 percent of the qualified voters is filed with the Town Clerk requesting its reference to a special Town Meeting, the effective date of such ordinance, resolution or other action shall be suspended;
- (b) the Board of Selectmen shall fix the time and place of such special Town meeting, which shall be within twenty days after the filing of the petition;
- (c) notice thereof shall be given in the manner provided by law for the calling of a 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.

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.

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 correct the form of such 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 and preciseness in its phraseology, but not to change its meaning or effect materially. Provided, however, that if the proposed ordinance or other action that is the subject of the petition is materially the same as a matter that previously has been voted upon by referendum, then the Board of Selectmen, in their discretion, may reject such petition and not call a special Town Meeting. Amendment effective 11/4/03.

The Board of Selectmen shall call a special Town Meeting, to be held not less than ten nor more than thirty days from the date of such filing, unless prior to such meeting such ordinance shall have been enacted or such action taken by the Board of Selectmen. 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 at least five percent of the qualified voters, then if a majority of the qualified voters voting shall vote "yes" then such ordinance or other action shall take effect on the tenth day thereafter without further action of the Board of Selectmen; otherwise it shall not take effect.

ARTICLE 3 BOARD OF SELECTMEN

Section 3.1 Number of Selectmen

There shall be a Board of Selectmen consisting of the First Selectman and two additional members. No more than two members of such Board shall be members of the same political party. No Selectman shall hold any other office of profit under the Government of the Town.

Section 3.2 General Powers, Duties and Responsibilities

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

- (a) to enact and amend ordinances consistent with this Charter and the General Statutes of the State, and to repeal ordinances or amendments adopted under this section;
- (b) by ordinance, to create, change, or abolish agencies except those provided for in this Charter;
- (c) by resolution, to enter into agreements with the Commissioner of Transportation of the State of Connecticut pursuant to the General Statutes;
- (d) in adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed in book form, or any portion thereof, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein 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 in the office of the Town Clerk for inspection and copying by the public at reasonable hours in lieu of publication in any newspaper;
- (e) by resolution, to regulate the internal procedure of agencies;
- (f) to fix the charges, if any, to be made for services rendered by the town;
- (g) to obtain a blanket bond for such officers or officials as are to be bonded;
- (h) at the direction of the First Selectman, to conduct a periodic review of current (i.e., 2 year time span) and projected (at least 5 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;

- (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, fix the compensation for, and discharge any Town employee at the department head level, who is not elected or appointed, other than an employee of the Board of Education; and the First Selectman or his delegate shall execute such decisions;
- (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 3.3 Procedure

At its first meeting, to be held not later than two weeks following each biennial Town Election, the Board of Selectmen shall fix the time and place of its regular meetings and shall elect a Second Selectman when required under Section 4.2 of this Charter. Special meetings of the Board of Selectmen may be called by the First Selectman or by any two Selectmen with reasonable advance notice being given to the other member(s) of the Board. The Board 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 the Board.

All 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.

Section 3.4 Public Hearing On and Publication of Ordinances

At least one public hearing, 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 available for inspection and copying by the public at reasonable hours. Within ten days after final passage, 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.

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

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 as soon as possible thereafter. No public hearing or notice of public hearing shall be required for any public emergency ordinance.

Every such emergency ordinance including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following final passage of said ordinance.

Section 3.6 Coordination

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

ARTICLE 4

FIRST SELECTMAN, SECOND SELECTMAN, TOWN ADMINISTRATOR

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 shall preside at meetings of the Board when present.

The First Selectman shall be an ex-officio member of all agencies of the Town, but without power to vote. He may, in writing, appoint a Selectman to be his representative on any agency of the Town, 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 are consistent with this Charter, and, in addition, he shall have all the powers necessary or incidental to the discharge of his duties and responsibilities as set forth in this Charter.

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

- (a) Seeing that the administration of the agencies of the Town is coordinated, except those functions expressly reserved or delegated to such agencies by law,
- (b) the execution and carrying out of ordinances, resolutions, policies and other action voted 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.
- (d) coordination and guidance of the Board of Selectmen in the discharge of all the Board's duties and responsibilities.

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 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 responsible to him. 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 4.2 The Second Selectman

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

(a) At the first meeting of the Board of Selectmen following the general election, the Board shall elect, from its membership, by majority vote, a "Second Selectman", who, in the temporary absence of the First Selectman, shall:

- (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.

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

Section 4.3 The Town Administrator

There shall be a Town Administrator who shall report directly to the First Selectman and who, 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:

- (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;
- (c) To assist in preparing the budget by gathering the necessary data from the Town agencies and by compiling estimated budgets by the dates set forth in this Charter;
- (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;
- (e) To satisfy reasonable requests by other town agencies and officials to provide information at his disposal;
- (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.

ARTICLE 5 ELECTIVE OFFICERS, BOARDS AND COMMISSIONS

Section 5.1 General Powers and Duties

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

Section 5.2 Terms of Office

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 terms of office shall commence on the Tuesday following the date of election in each case. 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.

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

* 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.

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 5.12 Compensation; Expenses; Levies

(a) The salary of the First Selectman shall be recommended by the Board of Selectmen, acting without his vote, and such amount shall be included in that Board's annual request for appropriations. The amount of compensation, 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 as recommended by the Board of Selectmen, and subject to 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) Necessary non-budgeted out-of-pocket expenses of an elected officer or member of an elected board, actually incurred in connection with the performance of his duties, shall be paid by the town upon the requisition of such officer or board in writing, upon the 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 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 of the town.

ARTICLE 6 ELECTIONS

Section 6.1 General

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

Election of Town officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years, and biennially thereafter.

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 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 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 6.4 Eligibility for Office

Each elected officer of the town shall be an elector and if, for any reason, he ceases to be an elector of the town, he shall thereupon cease to hold office therein; and such office shall be deemed 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 6.5 Breaking a Tie

Except as otherwise provided in this Charter, when any regular or special Town election, primary election or referendum conducted pursuant to the provisions of this 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 adjourned election or referendum shall be held on the seventh day after the published date of the election or referendum which resulted in a tie and shall be confined to the tied candidates or issues.

Section 6.6 Vacancies

Except as otherwise provided in the General Statutes and this Charter, any vacancy in an elective Town office, board or 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 sooner; provided, that when the persons vacating the office shall have 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.

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 election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term, and such persons shall take office upon election.

Section 6.7 Removal

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

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

ARTICLE 7 APPOINTIVE OFFICERS, BOARDS AND COMMISSIONS

Section 7.1 Appointing Authority; Appointive 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

- (v) 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, Boards and Commissions

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.

Section 7.3 Vacancies and Removals

Vacancies in appointed agencies shall be filled for the unexpired term in the same manner as appointments are made, 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.

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.

Section 7.5 Town Attorney

The Town Attorney shall be an attorney at law admitted to practice law in the Courts of the State. He 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. He shall be the legal advisor to all Town officers or agencies in all matters affecting the Town and shall, upon written request, furnish them with a written opinion on any questions of law involving their respective powers and duties. Upon request he shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest.

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.

In the event of disqualification of the Town Attorney or conflict of interest in a particular case, the Board of Selectmen shall appoint other counsel to represent the Town and/or its various officers, board and commissions, as required. However, if the Board of Selectmen, or any Selectman, is an adversary party to the Town and/or any of its various officers, boards, or commissions, 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.

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.

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 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.*

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 unaffiliated voters shall be invited to submit their names for consideration. Each moderator shall be an elector of the Town which 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 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 "Weston Town Moderators Handbook". Periodically, the panel of moderators shall meet to discuss and, if necessary, revise, add or delete procedures in this handbook.

(b) Selection of a Recommended Moderator for Any Town Meeting

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.

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

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 7.14 Compensation; Expenses, Levies

(a) The amount of compensation, if any, to be paid to appointed officers and members of appointed boards 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 non-budgeted out-of-pocket expenses of an appointed officer or member of an appointed board, actually incurred in connection with the performance of his duties, shall be paid by the town upon the requisition of such officer or board in writing, upon 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.

(d) All fees, fines and levies of every kind paid to or on behalf of any appointed officer or board 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 of the town.

ARTICLE 8
FINANCE AND TAXATION

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, shall on or before January 14th, except the Board of Education which shall on or before February 3rd, file with the First Selectman on forms provided by him, a detailed estimate of the expenditures to be made by his office or agency and the revenue, other than tax revenues, to be collected thereby in the ensuing fiscal year. 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 services, activities and work accomplished during the current year and to be accomplished during the ensuing year.

Section 8.2 Duties of the First Selectman on Budget

It shall be the duty of the First Selectman to compile preliminary estimates for the annual budget.

Not later than February 10th, 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 indicating any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, and containing a clear general summary of its contents;

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

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

(d) as part of the budget of the First Selectman he 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 and for the five 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 First Selectman shall recommend to the Board of Selectmen those capital projects to be undertaken during the ensuing fiscal year and the method of financing same.

Section 8.3 Duties of the Board of Selectmen on Budget

The Board of Selectmen shall review the preliminary budget prepared by or for the First Selectman and that of the Board of Education. The proposed Selectman's 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 the budget proposal of the Board of Education, but such alterations or changes to it as are desired by the Board of Selectmen shall be in the form of recommendations only.

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,

(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 may have an opportunity to be heard regarding the recommended appropriations for the ensuing 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 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 proposed appropriations shall be made available for general distribution in the office of the Town Clerk and at the public hearing.

(b) After said hearings 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 Board of Finance deems advisable and shall thereafter recommend said proposed appropriations, as amended, if amended, to the Annual Town Budget Meeting.

(c) The Notice and Call of the Annual Town Budget Meeting shall be published at least five days prior to such Meeting in a newspaper having general circulation in the Town and by posting such Notice and call in a public place. Such published and posted Notice and Call shall be accompanied by a separate tabulation in condensed form of the proposed appropriations as recommended by the Board of Finance for the ensuing fiscal year.

(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 copies of said proposed appropriations as recommended by the Board of Finance and as tabulated shall be 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.

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.

(e) The Notice and Call of the Annual Town Budget Meeting, (1) shall list the line items which the said Meeting is legally entitled to amend, namely, the proposed individual agency appropriations of the Board of Selectmen's budget, the proposed Board of Education's 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 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; and (3) in its preamble shall state who is legally entitled to vote in the Annual Town Budget Meeting in the same terms as are used in this Charter; and (4) shall contain any other information required by the General Statutes or this Charter. Sufficient copies of said Notice and Call shall be made available for general distribution in the office of the Town Clerk and at the Annual Town Budget Meeting.

(f) The Annual Town Budget Meeting shall consider and discuss said 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 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 vote of a majority or

more present and voting at such Meeting. NO 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 the individual line item in the Notice and Call proposed to be reduced accompanied by the amount of such proposed reduction; and the Notice and Call of the Meeting shall specify this restriction.

- (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, 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.
- (i) 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 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 (1) by borrowing funds by way of tax anticipation notes, or (2) by taxation at a mill rate set by resolution of the Board of Selectmen, or (3) by drawing upon funds in possession of the Town, or (4) by a combination of two or more of these means; provided that if option (1) or option (2), 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, including the repayment of all tax anticipation notes outstanding.*
- (j) 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 shall be levied on the taxable property in the Town for the ensuing fiscal year.

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

Section 8.5 Additional and Supplemental Appropriations

The Board of Selectmen shall have the power to make:

- (a) an appropriation or appropriations in addition to those provided in the annual budget for any agency in a sum not exceeding \$5,000 in a fiscal year, provided that the total sum so appropriated for all agencies in any fiscal year shall not exceed \$50,000;
- (b) with the approval of the Board of Finance, supplemental appropriations beyond those appropriated in (a) above, for one or more specific purposes, provided the total sum appropriated under this Subsection (b) in any fiscal year shall not exceed two percent of the current tax levy.

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

- (a) available unappropriated and unencumbered general fund cash balance; or
- (b) if for a capital expenditure, the appropriation may also be made from the Reserve Fund for capital and Non-recurring expenditures; or
- (c) 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 appropriation adopted prior to the fixing of the tax rate for the current year, as provided in Section 8.4 of this Charter, shall be included 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.

Section 8.7 Expenditures and Accounting

- (a) No purchases shall be made by any agency, other than the Board of Education, and the Library Board for books or periodicals, 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 has been audited by the First Selectman and approved by him 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 a Selectman to substitute temporarily for the First Selectman and the Assistant Treasurer shall act for the Treasurer.

(c) When any agency, except the Board of Education, shall desire to transfer funds within its appropriation from funds set apart for one specific purpose to another, before making any expenditure thereof such agency shall 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, with prior consent of such agency(s), to the appropriations of one or more other agencies, but only for purposes for which the receiving agency or agencies 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 been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three fiscal years shall have elapsed without any expenditure from or encumbrance of the appropriation therefore. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the Fiscal Year shall lapse.

(f) Every payment made in violation of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person 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 or employee of the Town shall knowingly incur any obligation, or shall authorize or make any expenditure in violation of the provisions of this Charter, or take any part therein, such action shall be cause for his removal and such other sanctions as may be prescribed by law.

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, 2.5, 8.4, 8.5 and 8.6 of this Charter.

Section 8.9 Contributions

The Town shall make no contribution to any person, organization or private corporation unless authorized by General Statute and with the approval of 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 CONDUCT OF BUSINESS, ELECTED AND APPOINTED BOARDS AND COMMISSIONS

Section 10.1 Chairmen and vice-Chairmen

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.

Section 10.2 Minutes

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.

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

ARTICLE 11 MINORITY REPRESENTATION

Except as specifically provided in this Charter, the maximum number of any agency, elective or appointive, who may be members of the same political party will be as specified in the General Statutes.*

Footnote continued:

- (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.

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

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

ARTICLE 12
MISCELLANEOUS PROVISIONS

Section 12.1 Amendment of Charter

This Charter may be amended in the manner prescribed by law.

Section 12.2 Saving Clause

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

Section 12.3 General Laws

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.

Section 12.4 Effect of Changes in General Statutes

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.

Section 12.5 Transitions

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 term has not expired, shall continue to hold 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.
- (c) 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.

Section 12.8 Effective Date

This Charter shall become effective on the day following its adoption by the qualified voters of the Town of Weston.

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