

## **TOWN OF SEYMOUR - CHARTER**

### **CHAPTER 1. - INCORPORATION AND GENERAL POWERS**

#### **Section 1.1. - Incorporation.**

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

#### **Section 1.2. - Rights and obligations.**

All property, both real and personal, all rights of action and rights of every description, and all securities and liens vested or inchoate in the Town as of the effective date this Charter shall be continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on said date. Nothing herein shall be construed to effect the right of the Town to collect any assessment, charge, debt or lien. If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains a provision that the same may be enforced by any board therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall continue in full force and effect, and the powers conferred and the duties imposed with reference to the same upon any such board, shall, except as otherwise provided in the Charter, thereafter be exercised and discharged by the Board of Selectmen.

#### **Section 1.3. - General grant of powers.**

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

### **CHAPTER 2. – ELECTED BOARDS**

#### **Section 2.1. - When elected.**

- (a) State Elections. The following offices shall be filled at the State elections:

Judge of Probate (1)

~~Justices of the Peace (20)~~

Registrars of Voters (2)

(b) Town Elections. The following boards shall be filled at the Town elections:

Board of Education (9)

Board of Finance (7)

Board of Finance Alternates (3)

Board of Library Directors ~~(7)~~

Board of Police Commissioners (5)

Board of Assessment Appeals~~Tax Review~~ (3)

Board of Selectmen (6)

First Selectman (1)

Board of Planning and Zoning (5)

(Amend. of 11-6-90; Amend. of 11-8-94)

## **Section 2.2. - General powers and duties.**

The elected Town boards shall have the powers and duties, consistent with this Charter, conferred thereon by the Connecticut General Statutes and such other additional powers and duties conferred thereon by this Charter.

## **Section 2.3. - Reserved.**

Editor's note— An amendment to the Charter by the Election of November 2, 2004, repealed Charter Section 2.3 which deals with transition from elected to appointed board and is not applicable. Section 2.3(a) dealt with elections in 1995 and 1997 and has become obsolete. Said section derived from an amendment of 11-5-85; 11-6-90 and 11-8-94. It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

## **CHAPTER 3. – ELECTIONS, GENERAL**

### **Section 3.1. – State, national.**

Nominations and elections of state and federal officers, Judge of Probate, ~~Justices of the Peace~~ and Registrars of Voters shall be conducted as prescribed by the Connecticut General Statutes. The Registrars of Voters shall prepare lists of electors qualified to vote therefore in the manner prescribed in the Constitution and the Connecticut General Statutes.

### **Section 3.2. – Town.**

A meeting of the electors of the Town of Seymour for the election of all Boards of the Town shall be held biennially on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday of November.

Amend. of 11-6-90; Amend. of 11-8-94

### Section 3.3. – Eligibility.

No person shall be eligible for election to any Town office who is not, at the time of his election, an elector of the Town, as defined by Section 9-1 of the Connecticut General Statutes, as amended, and any person ceasing to be an elector of the Town shall thereupon cease to hold such elected office in the Town.

Amend. Of 11-8-94; Election of 11-2-04

Editor's note – It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

### Section 3.4. – Vacancies in elected offices.

(a) First Selectman and Board of Selectmen. A vacancy in the office of First Selectman shall be filled by the remaining members of the Board of Selectmen, who may choose within ~~thirty~~thirty ~~forty five~~ (3045) days one (1) of their members or any other elector to fill the vacancy, provided the person selected shall be of the same political party as his predecessor. A vacancy in the Board of Selectmen shall be filled by the remaining members, who shall choose within ~~thirty~~thirty ~~forty five~~ (3045) days an elector of the same political party as his predecessor. If the remaining members of the Board of Selectmen fail to fill a vacancy in the office of the First Selectman or Selectmen as herein proposed, the vacancy in the office of First Selectman or Selectmen shall be filled in the manner required by the Connecticut General Statutes provided that the vacancy is filled with a member of the same political party.

(b) Board of Education and Board of Finance. A vacancy occurring on the Board of Education and the Board of Finance shall be filled by vote of the remaining members of the board on which the vacancy occurs, provided the person selected shall be of the same political party as his predecessor, but if the vacancy is not filled within ~~thirty~~thirty ~~forty five~~ (3045) days from the time such office becomes vacant, the First Selectman shall within ~~thirty~~thirty ~~forty five~~ (3045) days thereafter, fill the vacancy by appointment from the same political party.

(c) Registrars of Voters. Any vacancy occurring in the office of the Registrars of Voters shall be filled by the Deputy Registrar who shall then appoint a new deputy from the same political party.

~~(d) Justices of the Peace. Any vacancy in the office of a Justice of the Peace shall be filled by the Town Committee of the appropriate political party, as provided by Connecticut General Statutes.~~

~~(e)~~(d) Other Boards. Except as provided in (a), (b), (c) or (d) above, the First Selectman shall fill by administrative appointment any vacancy occurring on any elected Town board within ~~thirty~~thirty ~~forty five~~ (3045) days from the time the office becomes vacant. If the First Selectman does not fill the vacancy within ~~thirty~~thirty ~~forty five~~ (3045) days, the Board may then fill its own vacancy as soon as it is practical.

~~(f)~~(e) Term of Appointment. An appointee to a vacancy on an elected board shall serve until a successor is duly elected at the next regular election and is qualified. The persons then elected to fill the unexpired term shall serve the remainder of the term.

(e)(f) Party Affiliation. Any vacancy on an elected or appointed board shall be filled by the appointment of a member of the same political party as the person vacating such elected board. In the instance where an unaffiliated voter is elected to a party seat on a party line, and such unaffiliated voter creates a vacancy, said vacancy shall be filled by a member of the party on whose line the unaffiliated voter ran. In the instance where an unaffiliated voter was elected with no party affiliation and creates a vacancy then such vacancy shall be filled by an unaffiliated voter.

(h)(g) Resignation. All resignations from any Town board shall be in writing and shall be submitted to the ~~Chairman and/or Secretary of the board from which the person is resigning with a copy to the Town Clerk and the~~ Town Clerk, who shall immediately forward a copy to the First Selectman. ~~First Selectman.~~ The First Selectman shall distribute the letter to the Chairman and/or Secretary of the Board from which the person is resigning. If the letter does not include a resignation date, the resignation shall be considered to be immediate.

Amend. of 11-8-94; Election of 11-2-04

Editor's note – It should be noted that the Amendment to subsection (g) approved by the November 2, 2004 Election will be effective January 1, 2005.

### **Section 3.5. - Board for admission of electors.**

The Town Clerk ~~of any assistants and the Registrars of Voters or any deputies~~ shall constitute the Board ~~for~~ Admission of Electors in accordance with the provisions of Section 9-15a of the Connecticut General Statutes, as amended.

(Amend. Of 11-8-94)

### **Section 3.6. - Breaking a tie vote at election or referendum.**

When any regular or special municipal election or referendum results in a tie, an adjourned election shall be conducted within two (2) weeks at the same hours as the first election to determine who shall be elected, or in case of a question at referendum, whether it shall be accepted or rejected. No such election shall be held if prior thereto all but one (1) of the candidates dies, withdraws their name or becomes disqualified and, in such event, the remaining candidate shall be deemed to be lawfully elected. In the case of a multiple opening office, only the names of those candidates who have tied shall be placed on the adjourned ballot.

### **Section 3.7. – Taking office by elected officials.**

The First Selectman, Board of Selectmen and all other elected boards and officials shall take office on the first (1st) Monday of December of the year in which they are elected unless a different procedure is required by the Connecticut General Statutes. All incumbent officers, boards and commissions members shall continue to hold office to which they were elected or appointed for the term for which they were elected or appointed and until their successors hereunder have been elected or appointed and are

qualified to succeed them.

(Amend. Of 11-6-90; Amend. Of 11-8-94)

#### **CHAPTER 4. – ORGANIZATION OF BOARDS AND COMPENSATION OF OFFICIALS**

- (a) Except as otherwise provided in this Charter or Connecticut General Statutes, all boards authorized in this Charter shall meet on or before December 31 ~~within forty five (45) days of taking office~~ and shall elect a Chairman, Vice-Chairman and Secretary. The eChairman shall perform such duties as parliamentary usage may require or permit and appoint committees as may be necessary. The vVice-eChairman shall serve as acting chairman in the absence of the eChairman. The sSecretary, or its designee, shall record the minutes of all meetings and file copies with the Town Clerk. Regular meetings of all boards shall be held at such place and hour as the eChairman may designate.
- (b) The First Selectman or his designee shall be responsible for calling the organizational meeting of any newly created board or any board that has an entirely new membership.
- (c) The Chairman of all boards shall vote of record upon all issues before them unless disqualified for personal, financial or ethical interest.
- (d) The Chairman of each board or commission shall be responsible for conducting orientation sessions for newly appointed members to acquaint them with their duties and responsibilities. Where a board or commission is newly created or has an entirely new membership, or in the absence of a chairman, the First Selectman or his designee shall be responsible for conducting such session.
- (e) When requested by the First Selectman or Human Resources Manager, each board shall provide input regarding whether the Department is meeting its annual objectives, and shall provide any information relevant thereto.

~~(d)~~(f) \_\_\_\_\_

Amend. of 11-6-90; Amend. of 11-8-94.

#### **Section 4.2. – Compensation.**

The compensation of the employees of all boards of the Town shall be subject to the budgeting procedure described in Chapter 12 of this Charter. Any officials serving without pay shall receive reimbursement for necessary receipted expenses incurred in the performance of their duties, subject to the limits of appropriations available for such purposes.

#### **Section 4.3. – Attendance records and minutes.**

Each board shall maintain a record of attendance of each of its regular and alternate members. Minutes of meetings of all boards shall be filed in the Office of the Town Clerk in accordance with Connecticut General Statutes.

#### **CHAPTER 5. - BOARD OF LIBRARY DIRECTORS**

##### **Section 5.1. – General powers and duties.**

There shall be a Board of Library Directors consisting of ~~seven~~ nine (79) members who shall be elected for a term of four (4) years. The Board of Library Directors shall have such powers and duties now or hereafter conferred upon such boards by the Connecticut General Statutes.

The Board of Library Directors shall be responsible for the approval of the annual budget as developed by the Library Director, the review of service policies as proposed by the Library Director, management of the Library's endowment funds, and determination of the need for major building repairs or improvements and strategic planning.

The Board of Library directors shall cooperate with responsible community organizations that promote the library services of the Town and coordinate their activities with those of the library.

The minimal education requirement for the Head Librarian shall be a Masters of Library Science (MLS).

(Amend. Of 11-8-94)

## **CHAPTER 6. – BOARD OF EDUCATION.**

### **Section 6.1. – General powers and duties.**

There shall be a Board of Education consisting of nine (9) members who shall be elected for a term of four (4) years. Except as otherwise specifically provided by this Charter, the Board of Education shall have such powers and duties as are or may be imposed or vested by the Connecticut General Statutes upon Boards of Education and shall perform all acts required of said Board by the Town or necessary to carry into effect the powers and duties imposed upon said Board of Education by law.

### **Section 6.2. – Recreational use of school property.**

The Board of Education shall, to the fullest extent possible, make available to the town boards and ~~commissions~~, property owned by the Town for current or future educational purposes, in order to provide the maximum use of said facilities for the townspeople, consistent with the Town's budget.

(Amend. Of 11-8-94)

### **Section 6.3. – Board of education's expenses.**

No expenses incurred by the Board of Education in maintaining the public schools in the Town of Seymour or in performing the other duties of their office shall be paid by the Finance Director unless he has received a voucher, approved bill or other form of proof of obligation prior to or together with the request for payment. The Board of Education shall be subject to the bidding provisions of the Town's purchasing requirements for all purchases.

(Amend. Of 11-8-94)

## **CHAPTER 7. – BOARD OF SELECTMEN**

### **Section 7.1. - Composition and general powers and duties.**

There shall be a seven (7) member Board of Selectmen, consisting of the First Selectman and six (6) other Selectmen, who shall be elected for a term of two (2) years. Votes cast for the losing candidate for First Selectman shall not be considered as votes cast for a seat on the Board of Selectmen.

The Board of Selectmen shall have all the powers and duties conferred upon such boards by the Constitution, Connecticut General Statutes, Special Acts and this Charter.

The legislative power of the Town shall be vested in the Board of Selectmen, and it shall have residual legislative authority as to all matters except those specifically enumerated and vested in the Town Meeting by this Charter.

(Amend. Of 11-8-94.)

#### **Section 7.2. – Specific powers and duties.**

The Board of Selectmen, in addition to powers set forth elsewhere in this Charter or by the Connecticut General Statutes, shall have the following specific powers and duties:

- (a) Enact, amend or repeal ordinances consistent with Connecticut General Statutes or this Charter.
- (b) Create, amend and/or abolish by ordinance or resolution such boards, commissions, agencies, offices, departments and, employee positions, ~~etc.~~ as are necessary to assure required and orderly disposition of Town business. No employee positions or appointed positions may be abolished without a hearing and a two-thirds (2/3) affirmative vote of the full Board of Selectmen. Any official affected by this process shall be given an opportunity to appear and be heard at that hearing.
- (c) Contract for receipt or provision of services and use of facilities of the United States, State of Connecticut or political subdivision thereof, and any regional body or authority.
- (d) Call Special Town Meetings as necessary for disposition of Town business.
- (e) Accept or abandon Town roads.
- (f) Administer in whole or part through the Finance Department the purchase of supplies, materials, equipment and other commodities required by Town boards and commissions, except the Board of Education.
- (g) Incur indebtedness in the name of the Town and provide for the due execution of contracts and evidence of indebtedness issued by the Town, subject to financial provisions set forth in Chapter 12.
- (h) Take, purchase, lease, sell or convey real estate or personal property, subject to the financial provisions set forth in Chapter 12.
- (i) Require any board including, but not limited to, the Water Pollution Control Authority, Board of Police Commissioners, Board of Education and the Board of Public Works to submit quarterly reports to it on the status of their operations and appear before it to explain same on a quarterly basis. The Board will schedule said appearances on its agenda.
- (j) The Meetings of the Board of Selectmen and all other Town ~~B~~boards and Commissions for the transaction of business shall be open to the public and they shall afford the public a reasonable

opportunity to address the ~~Boards and Commissions~~ with suggestions, petitions and complaints.

(Amend. Of 11-6-90; Amend. Of 11-8-94; Election of 11-2-04)

Editor's note - It should be noted that the Amendment to subsections (b) and (j) approved by the November 2, 2004 Election will be effective January 1, 2006.

### **Section 7.3. – Votes on Board of Selectmen**

Action taken by the Board of Selectmen shall be by a vote of the majority of the quorum of the Board, unless a higher vote is required elsewhere in this Charter or by Connecticut General Statutes.

The First Selectman shall preside at meetings of the Board of Selectmen, and shall vote of record on all matters before the Board, unless disqualified because of personal, financial or ethical interest.

(Amend. Of 11-8-94)

### **Section 7.4. – Selectmen meetings.**

The Board of Selectmen shall meet at least once each month and at such other times as they shall determine.

In the event of a public emergency, a call for an emergency meeting may be made by two (2) members and a quorum shall be four (4) Selectmen.

(Amend. Of 11-8-94.)

### **Section 7.5. – Passage of ordinances.**

No ordinance shall be acted upon, established or passed until after a public hearing in relation thereto is held at least five (5) full calendar days before such action. Notice of the time and place of the hearing shall be given at least ten (10) calendar days in advance by publication in a newspaper having a substantial circulation in the Town. Proposed ordinances shall be on file in the Town Clerk's Office. On advise of Town Counsel, minor or perfecting amendments may be made in a proposed ordinance without further public hearing. Every ordinance, after passage, shall be filed with the Town Clerk. All ordinances, upon passage, shall be published within ten (10) calendar days in their entirety in a newspaper having a substantial circulation in the Town. Every ordinance shall become effective on the date specified therein or on the twenty-first (21st) calendar day after passage, if not otherwise provided or unless a procedure to overrule such ordinance is initiated in accordance with this Charter or Connecticut General Statutes.

(Amend. Of 11-8-94)

### **Section 7.6. – Emergency ordinances.**

When there exist circumstances which threaten the lives, health or property of the inhabitants of the Town, a majority of the Board of Selectmen present and voting at a meeting called for such purpose may declare that a state of emergency exists. On such declaration, the Board of Selectmen may, by a majority vote of the quorum of the Board, enact ordinances to meet such emergency without regard to the requirements of Section 7.5. Emergency ordinances shall be so designated and shall state facts constituting the public emergency. Any expenditures to be made pursuant to said emergency ordinances shall be made in accordance with the provisions of Chapter 12 of this Charter.

Emergency ordinances shall become effective immediately upon enactment. Every such ordinance shall automatically stand repealed at the termination of the sixtieth (60th) day following enactment of said ordinance, unless repealed sooner or unless action has been initiated to make the emergency ordinance a permanent ordinance under the provisions of Section 7.5, in which event such emergency ordinance shall remain in full force and effect until final action is taken on the permanent ordinance.

Emergency ordinances shall be published in a newspaper having a substantial circulation in the Town and posted as required by law as soon as possible after enactment.

#### **Section 7.7. – Ordinances by initiative.**

- (a) Initiative. The persons qualified to vote at a Town Meeting shall have the power to propose ordinances or to amend or repeal existing ordinances in the following manner:
  - (1) A petition may be filed with the Town Clerk by any person qualified to vote at a Town Meeting, and, except as otherwise provided herein, such petition shall conform to the requirements of Sections 7-9 and 7-9a of the Connecticut General Statutes.
  - (2) The petition shall contain the full text of the ordinance proposed to be enacted, the proposed amendment to the ordinance to be enacted or the ordinance proposed to be repealed and shall have the signatures of persons qualified to vote at a Town Meeting in number to equal at least five (5) percent of the electors of the Town on the last completed registry.
  - (3) The petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Section 7.9 of the Connecticut General Statutes.
  - (4) The Town Clerk shall, within five (5) calendar days after receipt of the last page of said petition determine whether the petition and affidavits are sufficient as prescribed by law and, if so, certify said petition to the Board of Selectmen.
  - (5) The Board of Selectmen shall hold a public hearing and make copies of the proposal available in the Town Clerk's Office for public inspection as provided in Section 7.5 of this Charter.
- (b) Adoption. If the Board of Selectmen adopts the proposed ordinance or amendment or repeals the ordinance proposed to be repealed, such action shall become effective upon compliance with and subject to the provisions of Section 7.5 of this Charter.
- (c) Rejection. If the Board of Selectmen fails to take the action requested in said petition within thirty (30) calendar days after the certification of the petition to the Board of Selectmen, then such refusal by the Board of Selectmen shall be subject to overrule at a referendum which shall

be called by the Board of Selectmen and held within thirty (30) calendar days from the time of such inaction or such rejection. If a majority of the persons voting at the referendum shall vote "yes", such ordinance shall take effect on the tenth (10th) calendar day thereafter without further action by the Board of Selectmen, provided, however, that, the majority shall equal at least ten (10) percent of those entitled to vote.

Amend. of 11-8-94.

#### **Section 7.8. – Petition to overrule Selectmen’s adoption of an ordinance.**

All ordinances adopted in accordance with Section 7.5 of this Charter shall be subject to overrule by referendum.

If within twenty (20) calendar days after the publication of any such ordinance, a petition conforming to the requirements of Section 7-9 of the Connecticut General Statutes, as amended, and signed by not less than five (5) percent of the electors of the Town, as determined from the latest official lists of the Registrars of Voters, is filed with the Town Clerk requesting its reference to a referendum, the effective date of such ordinance shall be suspended and the Selectmen shall fix the time and place of such referendum within thirty (30) calendar days after the filing of the petition.

Notice thereof shall be given in the manner provided by law for the calling of a referendum. Said enactment shall take effect unless a majority of those voting in the referendum shall have voted to overrule such enactment, provided, however, said majority shall equal at least ten (10) percent of those entitled to vote.

No steps to enforce said enactment shall be taken until the time for filing said petition has passed, or, if such petition has been filed, until after the referendum has been held and said enactment has been upheld.

(Amend. Of 11-8-94)

#### **Chapter 8. – First Selectman.**

##### **Section 8.1. – General powers and duties.**

The First Selectman shall be the Chief Executive Officer of the Town. He shall be a voting and participating member of the Board of Selectmen and shall preside at meetings of the Board. The First Selectman shall also be an ex-officio, non-voting member of all other Town boards, but shall not attend executive sessions of these boards in circumstances where his attendance would be improper. The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by Connecticut General Statutes, applicable Special Acts, if any, and ordinances, resolutions and policies voted by the Town Meeting, the Board of Selectmen and by this Charter and shall perform all the functions of that office. During his term of office the First Selectman shall not hold any other civil office which provides monetary compensation, under the Government of the United States, the State of Connecticut or any subdivision thereof, except that of a notary public or justice of the peace.

(Amend. of 11-8-94)

**Section 8.2. - Specific powers and duties.**

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

- (a) Be responsible for the proper performance of the First Selectman's Office, in connection with which he shall work full time at his position.
- (b) Be responsible for coordinating the administration of the boards of the Town, except for those functions expressly reserved or, delegated to those boards by law.
- (c) Be responsible for making a continuous review of the current and future needs of the Town, including financial needs and budget requirements, in connection with which he may require reports and information to be submitted by any Town board. He shall keep the Board of Selectmen fully informed as to the financial condition of the Town.
- (d) Be responsible for seeing that the Board of Selectmen are up-to-date on the availability of, and the requirements for, such Federal and/or State funds for which the Town may qualify. This information shall be coordinated with the Finance Director and the Board of Finance.
- (e) Be responsible for the coordination and guidance of the Board of Selectmen in the discharge of all the Board's duties and responsibilities.
- (f) Be responsible for the development of a set of priorities which shall provide a guide for those things the Town shall attempt to accomplish in the coming year, and this shall serve as a policy guide in the development of the Annual Town Budget.
- (g) Be responsible for keeping full and complete records of the workings of his office. It shall be his duty to make periodic reports to the Selectmen and the Board of Finance, to recommend to the Selectmen such motions as he shall deem necessary or expedient, to keep or cause to be kept complete books of account showing the financial transactions and condition of the Town through the Finance Department and all other accounts and records as may be prescribed by the Selectmen, the Connecticut General Statutes and the Town Meeting.
- (h) Be directly responsible for all administrative offices and employees, except as otherwise provided by law.
- (i) Be directly responsible for such other duties which the Connecticut General Statutes assign to the Chief Executive in the absence of such separate municipal appointed officials.
- (j) Be responsible for establishing purchasing procedures for the Town, subject to such rules and regulations as may be prescribed by the Board of Selectmen and elsewhere in this Charter.
- (k) To assist in the discharge of the duties and responsibilities of the office and of the Board of Selectmen, the First Selectman may appoint subcommittees and may assign and delegate duties to other members of the Board of Selectmen, to subcommittees and to officials responsible to the First Selectman, except as to such power and duties which may not under the Connecticut General Statutes be so delegated.

(Amend. of 11-6-90; Amend. of 11-8-94)

**Section 8.3. - Officers of the ~~b~~Board of ~~s~~Selectmen.**

At the first (1st) meeting of the Board of Selectmen after they assume office, the First Selectman shall select a Deputy First Selectman from among the members of the Board of Selectmen, being of the same political party as that of the First Selectman. The Deputy First Selectman shall fulfill the duties and responsibilities of the First Selectman in his absence or disability. The First Selectman shall also appoint a secretary from among the Board members.

(Amend. of 11-8-94)

## **CHAPTER 8A. - BOARD OF POLICE COMMISSIONERS**

### **Section 8A.1. - Composition and general powers and duties.**

The Board of Police Commissioners shall consist of five (5) members who shall be elected for a term of four (4) years, which terms shall be staggered. ~~Three (3) members will be elected in the 1995 Town Election and two (2) members will be administrative appointments of the First Selectman for two (2) years and will then run for the full four (4) year term in the 1997 Election at which time the election of members will be staggered.~~

The Board of Police Commissioners shall be responsible for the general management and supervision of the Police Department and for purchasing and maintenance of all Department property and equipment. The Board shall be the policy making unit and shall establish operational directives to be executed by the Chief of Police. It shall have the duties and powers as are conferred or imposed under the provisions of this Charter and the Connecticut General Statutes. It shall make the rules and regulation governing the department and all personnel, and shall fix the compensation of all officers, supervisors and employees, within the limitations and appropriations provided, subject to labor negotiations where required and to the approval of the Board of Finance. All drug seizure expenditures shall be approved by the Board of Police Commissioners.

Except if otherwise provided, the Board shall appoint all officers and other personnel in positions and grades established by the Board, giving consideration to the police experience, health and general qualifications of the candidates. The board may devise, order, administer or otherwise submit to all candidates written and oral tests to be considered with other criterion. They may also utilize outside testing procedures to help determine the most qualified candidate for filling a vacancy.

The Board of Police Commissioners shall fill the position of Chief from the most qualified ~~personnel holding the rank of Captain or higher~~ candidates. Personnel from the Seymour Police Department and from Police Departments other than Seymour shall be eligible for appointment to the position of Chief. ~~The current Chief will not be required to sign a contract.~~ The successors to the current Chief shall be required to sign a three (3) year contract which will detail the terms of employment. No successor Chief will be allowed to assume the position until he has signed such contract. Before assuming the office of Chief a potential appointee shall be subject to oral testing and evaluation by a competent, independent, outside authority appointed by the Board of Police Commissioners, pass a medical examination, and hold a minimum of a bachelor's degree in criminal justice or a related field, with advanced education an ~~Associate Degree in Police Science or a Bachelor Degree in a related field, and/or training desirable.~~ The

~~candidate must have ten (10) years' service as a full time Police Officer and five (5) years' experience as a command level officer in the rank of Sergeant or equivalent or higher. The outside authority shall submit the a minimum of three (3), but not to exceed ten (10), names of the top three (3) candidates to the Board of Police Commissioners who shall fill said position by appointment of the individual they deem most qualified.~~

The Board of Police Commissioners shall fill the position of Captain from the most qualified ~~candidate~~ ~~personnel holding the rank of Lieutenant or higher.~~ Personnel from the Seymour Police Department and from Police Departments other than Seymour shall be eligible for appointment to the position of Captain if they satisfy the requirements imposed by this section. Before assuming the office of Captain, a potential appointee shall be subject to oral testing and evaluation by a competent, independent, outside authority appointed by the Board of Police Commissioners, pass a medical examination, and hold a minimum of a bachelor's degree in criminal justice or a related field, with advanced education an Associates Degree in Police Science or a Bachelors Degree in a related field, and/or training desirable. The candidate must have ten (10) years' service as a full time Police Officer and five (5) years ~~as a command level officer experience in the rank of Sergeant or equivalent or higher.~~ The outside authority shall submit a minimum of three (3), but not to exceed ten (10), the names of the top ~~three (3)~~ candidates to the Board of Police Commissioners who shall fill said position by appointment of the individual they deem most qualified.

The Board of Police Commissioners shall fill the position of Lieutenant from the most qualified ~~candidate~~ ~~personnel holding the rank of Sergeant or Detective Sergeant.~~ Personnel from the Seymour Police Department and from police departments other than Seymour shall be eligible for appointment to the position of Lieutenant if they satisfy the requirements imposed by this section. Before assuming the office of Lieutenant, a potential appointee shall be subject to oral testing and evaluation by a competent, independent, outside authority appointed by the Board of Police Commissioners, pass a medical examination, and hold a minimum of a bachelor's degree in criminal justice or a related field, with advanced education an Associates degree or higher in Police Science and/or training desirable. The ~~candidate must~~ have ten (10) years' experience as a full time police officer and five (5) years' experience in the rank of Sergeant or equivalent or higher. The outside authority shall submit a minimum of three (3), but not to exceed ten (10), names of the top ~~three (3)~~ candidates to the Board of Police Commissioners who shall fill said position by appointment of the individual they deem most qualified.

~~If the total number of police personnel from the Seymour Police Department who have applied for the position of Lieutenant and who have satisfied all of the above requirements shall total three (3) or more the Commission may not solicit applications from Police Departments other than Seymour.~~

~~If however, the total number of said applications from the Seymour Police Department is less than three (3) then the Commission may solicit applications from Police Departments other than Seymour.~~

All Police personnel having more than five (5) years' service as a full time Police Officer, having an Associate's Degree in Police Science or higher or actively pursuing such a degree with a minimum of fifty

percent (50%) of acceptable credits toward an Associate's Degree will be eligible to take promotional examinations for higher rank.

The Board or its designee shall also have jurisdiction over the parking of vehicles upon all municipal streets and municipal parking lots within the Town, and may make regulations concerning the same and concerning vehicular traffic as far as shall not be inconsistent with the Connecticut General Statutes. The Police Commissioners shall have the responsibilities and authority of a parking authority as specified in the Connecticut General Statutes.

(Amend. of 11-6-90; Amend. of 11-8-94; Election of 11-2-04; Election of 11-7-06(1))

#### **Sec. 8A.2. - Reserved.**

**Editor's note**— An amendment to the Charter, approved by the voters on Nov. 8, 1994, repealed former section 8A.2 in its entirety which pertained to the compensation of officers, supervisors and employees as fixed by the Board of Selectmen and the Board of Finance.

### **CHAPTER 8B. – Planning and Zoning Commission**

#### **Section 8.B.1- Planning and Zoning Commission.**

There shall be a Planning and Zoning Commission consisting of five (5) members who shall be an ~~administrative appointment of the First Selectman~~ elected for a term of ~~two (2)~~ four (4) years. The Planning and Zoning Commission shall have ~~two (2)~~ three (3) alternates who ~~are an~~ Administratively ~~Appointment~~ and shall serve two (2) year terms. No member of the Commission and no alternate member shall be a paid employee of the Town of Seymour or be a member of the Zoning Board of Appeals. To keep the terms staggered: in 2013, two (2) members shall be Administrative Appointments of the First Selectman ~~elected~~ for a two (2) year term and two ~~three (3)~~ members shall be elected for a four (4) year term. In 2014, one (1) member shall be an Administrative Appointment of the First Selectman for a one (1) year term. In 2015, three (3) members shall be elected for a four (4) year term. Thereafter, members shall be elected for a four (4) year term.

~~Members and alternates currently serving four (4) year terms will be allowed to complete their terms. As to new terms: One (1) member shall be appointed to a two (2) year term running for two (2) years from November 17, 2004. Three (3) members shall be appointed for two (2) year terms commencing on November 17, 2005. One (1) member shall be appointed for a two (2) year term commencing November 14, 2007.~~

~~Two (2) alternates shall be appointed to two (2) year terms commencing January 1, 2005. One (1) alternate shall be appointed to a two (2) year term commencing March 6, 2005.~~

A vacancy occurring on the Planning and Zoning commission shall be filled by a vote of the remaining members of the board, provided the person selected shall be of the same political party as his predecessor. If a vacancy is not filled within thirty (30) days from the time such office becomes vacant,

the First Selectman shall within thirty (3) days thereafter fill the vacancy by appointment from the same political party.

If a regular member of the Planning and Zoning Commission is absent or disqualified, the chairperson or acting chairperson shall designate an alternate to act in his place, choosing alternates in rotation so that they shall act in as nearly equal a number of times as possible. If an alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. When seated, each alternate shall have all the powers and duties of a regular member.

The Planning and Zoning Commission may engage such employees as necessary for their respective work, and may contract with professional consultants within the limits of their budget appropriations.

The Planning and Zoning Commission shall appoint a Zoning Enforcement Officer who will not be a member of the Commission and who will enforce the zoning regulations of the Town. The scope of the duties of the Officer, his activities and compensation will be defined by an ordinance established in accordance with Section 7.5 of this Charter.

The Planning and Zoning Commission shall annually prepare and revise a five (5) year program of public improvements plan. It shall include estimates of the project costs to be undertaken in the ensuing fiscal year and in the projected five (5) year period. It for the ensuing five (5) years and shall be submitted annually to the Board of Selectmen for their its recommendations with estimates of the cost of such projects to be undertaken in the ensuing fiscal year and in the full five (5) year period.

## **CHAPTER 9. – APPOINTMENTS, GENERAL.**

### **Section 9.1. - Administrative appointments.**

The First Selectman shall be the appointing authority of the Town. An ~~a~~Administrative ~~a~~Appointment to a ~~B~~oard or ~~C~~ommission shall be made by the First Selectman and approved by a majority of the full Board of Selectmen. Notice of appointments shall be made with regular or special agendas. No appointments can be made after the Town election until the new First Selectman is sworn in office, except for the interim appointments which will expire when the current First Selectman's term ends.

(Amend. of 11-8-94; Election of 11-2-04)

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

### **Section 9.2. - Eligibility.**

With the exception of Town Counsel, all administrative appointments to appointive Town boards and all appointive Town offices shall be filled by persons who are electors of the Town. Any person who is an elector of the Town at the time of his appointment to any Town board and thereafter ceases to be an

elector of the Town, shall be deemed to have vacated the position to which he has been appointed at such time that he ceases to be an elector of the Town.

Any person appointed to a Town board shall possess such qualifications and devote such time as is necessary to carry out his duties. A person failing to faithfully perform his duties shall be subject to the removal provisions of Section 9.4 of this Charter.

(Amend. of 11-8-94; Election of 11-2-04)

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

### **Section 9.3. - Vacancies on appointed boards.**

- (a) Notice. In the event of a resignation, the individual resigning must submit his notice, in writing, to the Town Clerk, who shall immediately forward a copy to the First Selectman, chairman and/or secretary of the board from which he is resigning with a copy to the Town Clerk and the First Selectman. The First Selectman shall distribute the letter to the Chairman and/or Secretary of the board from which the person is resigning. If the letter does not include a resignation date, the resignation shall be considered to be immediate. All vacancies occurring by any other reason, such as death, and notices given by any other manner, such as oral notice, shall be verified and reported in writing by the chairman of the board to the Town Clerk, who shall immediately forward a copy to the First Selectman. ~~Town Clerk and the First Selectman.~~
- (b) Filling a Vacancy. Any vacancy in any appointive position on a Town board ~~or commission~~, from whatever cause arising, shall be filled by administrative appointment, but if the vacancy is not filled within thirty forty-five (3045) days from the time such office becomes vacant, the board or commission may fill said vacancy by a majority vote of the total membership of said board ~~or commission~~. If said board ~~or commission~~ shall fail to fill said vacancy within thirty forty-five (3045) days from the date on which it becomes legally empowered to do so, then the First Selectman may fill said vacancy by administrative appointment.
- (c) Term of Appointment. Persons appointed to fill vacancies in Town positions shall serve for the unexpired portion of the term vacated if such position has a fixed term or shall serve at the pleasure of the appointing authority in the event no fixed term is provided for such position.

(Amend. of 11-6-90; Amend. of 11-8-94)

### **Section 9.4. - Removal of appointed official.**

Any appointee may be removed from office upon the recommendation of the Board of Selectmen for the failure or neglect of such appointee to perform the powers and duties for which appointed. Such neglect shall include excessive absence from meetings, inability to serve, conviction of a felony during his term, or abandonment of office. The appointee may not be removed for political reasons.

An appointee holding a fixed term may also be removed by the Board of Selectmen for reasons constituting just cause as defined by the State of Connecticut with a requirement of notice, hearing, and due process.

An appointee for an indefinite term may be removed upon action of the Board of Selectmen for any reason deemed sufficient by the Board as defined by Connecticut Statute or Common Law.

The Board of Ethics may, upon a finding of ethics violations, recommend the removal of an appointee to the Board of Selectmen. An appointee so cited shall have the rights of notice, due process, and a hearing de novo before the Board of Selectmen.

Any member of an appointed board who has missed three (3) consecutive regularly scheduled meetings or more than one-third (1/3) of the meetings held during the calendar year following the date of appointment may be removed from such board, and his place shall be considered vacant after such removal.

It shall be the duty of the Chairman of the board to give prompt, written notice of failure or neglect to the individual involved, the Board of Selectmen and the Town Clerk. The official or board member affected by such removal process shall be given an opportunity to appear and be heard at a hearing before the Board of Selectmen. Such removal shall require an affirmative vote of five (5) members of the Board.

(Amend. of 11-8-94; Election of 11-2-04)

Editor's note—It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

## **CHAPTER 10. - APPOINTED BOARDS**

### **Section 10.1. - List of appointed boards and terms of office.**

There shall be the following appointive boards of the Town:

#### **Section Board**

- 10.4 Economic Development Commission
- 10.6 Board of Ethics
- 10.7 Board of Fire Commissioners
  - 10.7.1 Fire Marshal's Department
  - 10.7.2 Office of Emergency Medical Services
  - 10.7.3 Emergency Medical Services Oversight Commission
- 10.8 Housing Authority
- 10.9 Inland-Wetlands Commission
- 10.10 Parks Commission
- ~~10.11 Planning and Zoning Commission~~
- 10.12 Recreation Commission

- 10.13 Board of Public Works
- 10.14 Water Pollution Control Authority
- 10.15 Committee on Aging
- 10.20 Zoning Board of Appeals
- 10.21 Sewer Use Rate Review Board
- 10.22 Redevelopment Agency
- 10.24 Conservation Commission
- 10.25 Culture and Arts Commission

8.B.1 Planning and Zoning Commission Alternates (2)

All terms shall be for two (2) years unless otherwise specified in this Charter or Connecticut General Statutes. Additional appointive boards may be created and duties specified upon the passage of an ordinance which will show the number of members, the appointing authority and the term of office. No member of any appointed board shall be employed by that board in a paid position. Boards may be discontinued by majority vote of the full Board of Selectmen, after a public hearing is held, if that Board feels it no longer is necessary or proper for such purposes, It may also, by ordinance, increase or decrease the membership of any appointed board or commission.

No person shall serve on more than one (1) of the following Bboards: Planning and Zoning Commission; Zoning Board of Appeals; Inland-Wetland Commission; orand the Conservation Commission. Persons now serving on more than one (1) such Board or Commission may serve until their terms expire.

(Amend. of 11-8-94; Election of 11-2-04)

Editor's note—It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

**Section 10.1.1. - List of appointed offices and terms of offices.**

There shall be the following appointed offices of the Town:

Section Office

- 10.5 Engineer
- 10.16 First Selectman's Administrative Assistant
- 10.17 Town Counsel, Assistant Town Counsel
- 10.18 Town Meeting Moderators
- 10.19 Treasurer, Assistant Treasurer
- 10.23 Civil Defense Director
- ~~10.25 Building Inspector~~
- ~~10.26 Dog Warden~~

All terms shall be for two (2) years unless otherwise specified in this Charter or the Connecticut General Statutes. Additional appointive offices may be created and duties specified upon the passage of an ordinance providing for same.

(Amend. of 11-6-90; Amend. of 11-8-94; Election of 11-2-04)

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

#### **Section 10.2. - General powers and duties.**

All appointive Town boards shall have the powers and duties consistent with this Charter, conferred or imposed thereon by the Connecticut General Statutes, by this Charter, by ordinance or as may be prescribed by their respective appointing authority. Whenever possible the terms of office for appointees shall be staggered so entire boards or commissions are not replaced at one time.

If this Charter refers to a power "as provided by Connecticut General Statutes" and the applicable statute refers to the power "as provided by ordinance or Charter" or similar wording, the substantive provisions of this Charter shall take precedence.

(Amend. of 11-8-94)

#### **Section 10.3. - Reserved.**

Editor's note— An amendment to the Charter by the Election of November 2, 2004, repealed Section 10.3 in its entirety. Formerly, said section pertained to the Civil Service Commission which has been eliminated and derived from Amendments of 11-6-90; 11-8-94. It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

#### **Section 10.4. - Economic Development Commission.**

There shall be an Economic Development Commission consisting of seven (7) members, who shall be Administrative Appointments of the First Selectman. The terms of members shall be three (3) years.

It shall have the powers, duties and responsibilities and shall be subject to the restrictions and limitations specified in the Connecticut General Statutes with respect to Economic Development Commissions as the same may, from time to time, be amended. In addition to such powers, the Commission shall conduct research into the economic conditions and trends in the Town, shall make recommendations to appropriate officials and agencies of the Town regarding action to improve its economic condition and development, shall seek to coordinate the activities and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets, which in its judgment will further its official purposes.

The Economic Development Commission shall, from time to time, make such recommendations as it deems appropriate to the Planning and Zoning Commission with respect to possible amendments to the

comprehensive Town plan or to the Zoning Regulations as they effect industrial and commercial developments. The Commission shall confer with similar commissions of the abutting towns in order to make recommendations with respect to the development of adequate roads, utility services and industrial sewage disposal in a manner consistent with that of other towns.

The Economic Development Commission shall foster and promote orderly commercial and industrial development in the Town and work with other Town agencies toward such ends.

(Amend. of 11-6-90; Amend. of 11-8-94)

#### **Section 10.5. - Engineer.**

The Engineer shall be an Administrative Appointment of the First Selectman. The Engineer shall be a qualified professional civil engineer registered to practice in the State of Connecticut in accordance with the provisions of Chapter 391 of the Connecticut General Statutes. He shall provide engineering services for all Town Boards. All requests for the services of the Engineer shall be coordinated and approved by the First Selectman. Residency within the Town of Seymour is not required for this position.

(Amend. of 11-8-94; Election of 11-2-04)

Editor's note—It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

#### **Section 10.6. - Board of Ethics.**

There shall be a Code of Ethics governing the conduct of elected and appointed officials and employees of the Town, which the Board of Selectmen shall, by ordinance, provide. The Board of Ethics shall consist of two (2) Democrats, two (2) Republicans and one (1) Unaffiliated voter for a total of five (5) members, who shall be ~~an~~ Administrative aAppointments of the First Selectman and shall serve four (4) year terms.

The Board of Ethics shall be empowered to act on matters concerning ethical standards for officials and/or employees of the Town. It shall have its responsibilities further defined by ordinance and shall establish written procedures for the conduct of its hearings.

(Amend. of 11-8-94)

#### **Section 10.7. - Board of Fire Commissioners.**

There shall be a Board of Fire Commissioners consisting of five (5) members who shall be ~~a~~ Administrative aAppointments of the First Selectman for a term of three (3) years. One (1) member shall be appointed to the commission who is not a member of either Fire Company. One (1) member shall be appointed from a list of two (2) nominees elected by majority vote at a meeting called for such purpose and submitted by the Great Hill Hose Company. One (1) member shall be appointed from a list of two (2) nominees elected by majority vote at a meeting called for such purpose and submitted by the Citizens Engine Company. If two names are not submitted for these positions by either company, the

First Selectmen may appoint the company's nominee from any fireman in that company who is in good standing. One (1) member who is nominated by the Great Hill Hose Company shall be appointed. One (1) member who is nominated by the Citizens Engine Company shall be appointed.

(Amend. of 11-6-90; Amend. of 11-8-94)

#### **Section 10.7.1. - Fire Marshal's Department.**

There shall be a Fire Marshal's Department consisting of a Fire Marshal and such other personnel as shall be recommended by the Board of Fire Commissioners and approved by the Board of Selectmen.

The duties of the Fire Marshal and other personnel of the Department shall be as set forth in the Connecticut General Statutes.

(Amend. of 11-6-90)

#### **Section 10.7.2. - Office of Emergency Medical Services.**

There shall be an Office of Emergency Medical Services for the Town of Seymour. The office shall consist of volunteers and paid employees of the Emergency Medical Services Provider. Their duties shall be as set forth in the Connecticut General Statutes.

(Amend. of 11-6-90; Amend. of 11-8-94; Election of 11-2-04)

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

#### **Section 10.7.3. - Emergency Medical Services Oversight Commission.**

There shall be an Emergency Medical Services Oversight Commission of the Town of Seymour. The Commission shall consist of five (5) members, who must be residents of the Town of Seymour.

No members of the Emergency Medical Services provider may be a Commissioner. Members shall be Administrative Appointments of the ~~appointed by the First Selectman and approved by the Board of Selectmen as executive appointments; the terms are with staggered terms. Initial appointments shall be as follows: three (3) members shall be appointed for two (2) year terms, two (2) members shall be appointed for three (3) year terms. Thereafter, all appointments shall be for two (2) year terms.~~ The lead representative of the Emergency Medical Services provider shall serve as an ex-officio, non-voting member.

The Commission shall oversee and monitor Emergency Medical Services for the Town of Seymour, including negotiations of contracts with the Emergency Medical Services provider subject to the approval of the Board of Selectmen, Board of Finance and Town meeting, if appropriate.

The Commission shall develop and update the Town's long range Emergency Medical Services Plan and shall perform such other duties as required by the Town and by the General Statutes of the State of Connecticut concerning Emergency Medical Services matters. The Emergency Medical Services provider

must submit quarterly financial reports to the Emergency Medical Services Oversight Commission. The Commission shall forward a copy of their submission to the Board of Selectmen.

(Election of 11-2-04; Amend. of 11-6-05(1))

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

#### **Section 10.8. - Housing Authority.**

There shall be a Housing Authority consisting of five (5) members who shall be ~~an~~ Administrative Appointments of the First Selectman for a term of four (4) years.

The Housing Authority shall have all the powers and duties relating to housing imposed upon Housing Authorities by Chapter 128 of the Connecticut General Statutes, as amended. It shall further be the duty of the Housing Authority to investigate and to conduct research on the condition of housing within the Town and to coordinate the activities of the various other municipal departments, agencies and authorities as they pertain to housing. It shall serve as a liaison and coordinating body between the Town and federal and state agencies and private enterprise in order to provide adequate housing within the Town and shall have such other powers and duties as the Board of Selectmen may prescribe.

The Housing Authority shall make available all minutes of its meetings in the Office of the Town Clerk within seven (7) working days after the meeting.

(Amend. of 11-8-94)

#### **Section 10.9. - Inland-Wetlands Commission.**

There shall be an Inland-Wetlands Commission consisting of five (5) members who shall be ~~an~~ Administrative Appointments of the First Selectman for a term of four (4) years. The Inland and Wetland Commission shall have two (2) alternates who shall also be Administrative Appointments of the First Selectman, and who shall serve two (2) year terms.

The Commission shall keep an index of all open areas, publicly or privately owned, including marshlands, swamps and other wetlands for the purpose of obtaining information on the proper use of such areas and may, from time to time recommend to the Planning and Zoning Commission plans and programs for the development and use of such areas. It may recommend acquisition of land and easements to the Board of Selectmen for their approval and for action by the Town Meeting, and it may acquire these lands and easements in the name of the municipality and promulgate rules and regulations, including but not limited to, the establishment of reasonable charges for the use of such property for any of the purposes set forth in this section.

(Amend. of 11-8-94)

#### **Section 10.10. - Parks Commission.**

There shall be a Parks Commission consisting of five (5) members who shall be Administrative Appointments of the First Selectman. Said Commission shall have the powers, duties and responsibilities and shall be subject to the restrictions and limitations specified in the Connecticut General Statutes as amended. Members shall serve two (2) year terms.

~~The Parks Commission shall be responsible for the care and maintenance of all Town parks and shall use part-time summer employees for park and playground maintenance to the fullest extent possible.~~

The Public Works Department shall furnish such equipment and personnel as requested by the Parks Commission and the Board of Education approved by the Board of Public Works. These ~~two (2) Boards~~groups are to work cooperatively to provide the proper maintenance of the Town's parks, and municipal and school playing fields. The Parks Commission shall have the authority to allocate the playing fields and use of the park pavilions, with preference given to Board of Education activities.

(Amend. of 11-5-85; Amend. of 11-6-90; Amend. of 11-8-94)

#### **Section 10.11. - Reserved**

(Amend. of 11-8-94; Election of 11-2-04)

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

#### **Section 10.12. - Recreation Commission.**

There shall be a Recreation Commission consisting of seven (7) members who shall be an aAdministrative aAppointments of the First Selectman~~serve two (2) year terms~~. Vacancies shall be filled by the First Selectman for the unexpired term only. All appointments, except to fill vacancies, shall be made to take effect January 1 of each year.

Pursuant to the policies and directives set by the Commission and under the direction of and supervision of the Recreation Director, the Recreation Department shall manage all recreation facilities under the Commission's control or placed under its jurisdiction, unless otherwise specifically provided in this Charter. The Commission shall provide oversight, and through the Recreation Director, organize and coordinate recreation activities as it deems necessary to meet the needs of the community. Activities shall be tailored to the needs of all age groups and should include both athletic and non-athletic activities. The Commission shall maximize the use of all recreation property in Town, including not only the facilities under its control, but also the parks and the schools; and the Commission shall coordinate with the Parks Commission and Board of Education with this regard. The Commission shall interact and assist with the coordination of recreation with other organizations within the community. The Commission shall be the policy making authority and shall establish defined objectives to be executed by the Recreation Director. The Commission shall regularly evaluate the scope of activities to assure they are organized public recreation of the highest standard and optimal value to the Town.

The Commission shall be responsible to interview applicants for all positions within the Department. With the exception of part-time seasonal help which it may hire on its own, the Commission shall furnish the names of the top three (3) candidates to the Board of Selectmen for its consideration. The Commission shall submit annually to the First Selectman an evaluation of the written objectives of the Recreation Director.

The Commission shall have the responsibility to approve the yearly budget proposed to the Board of Finance.

The Commission shall have the authority to charge for any recreation facility or program under its purview and it may charge an admission, registration, or participation fee. The Department shall issue permits for use of all property under the Commission's control, pursuant to policies established by the Commission.

Through the Recreation Director, the Commission shall maintain a record of all fees charged for use of recreation facilities and participation in recreation programs and shall submit all proceeds to the Department of Finance for deposit.

The Recreation Commission shall have the powers, duties and responsibilities and shall be subject to the restrictions and limitations specified in the Connecticut General Statutes, as amended. In addition to such power, duties and responsibilities, the Commission shall maintain a comprehensive recreation program and shall appoint staff as is needed.

(Amend. of 11-8-94)

#### **Section 10.13. - Board of Public Works.**

There shall be a Board of Public Works consisting of five (5) members who shall be ~~an~~ an Administrative ~~Appointments~~ Appointments of the First Selectman ~~for a term of two (2) years.~~ One (1) member of the Board of Public Works shall be a member of the Board of Selectmen.

The Board of Public Works shall be responsible for the general management and supervision of the Public Works Department and for purchasing and maintenance of all Department property and equipment. The Board shall have the responsibility to approve the yearly budget proposals submitted to the Board of Finance. The Public Works Board shall have the responsibility to submit and monitor and approve a five (5) year capital plan for the upkeep and replacement of equipment used in the Public Works Department. The Board must approve all Department financial line-item transfers throughout the fiscal year. The Board shall be the policy making body and shall establish operational directives to be executed by the Director of Public Works or managerial personnel. The Board shall have the duties and powers as are conferred or imposed under the provisions of this Charter. The Board shall make the rules and regulations governing the Department and personnel, and shall fix the compensation of all supervisors and employees within the Department, within the limitations and appropriations provided, subject to labor negotiations where required.

The Board shall be responsible for interviewing all applicants for new employment positions and make recommendations to the Board of Selectmen.

The Department of Public Works shall have the responsibility for the planning, surveying, construction and reconstruction, altering, paving, repairing, maintaining, cleaning, snow removal, inspecting and lighting of highways, bridges, sidewalks and curbs, public drains and other public improvements and buildings; and the preservation, care and removal of trees within the highways and public places, the collection and disposal of garbage, rubbish and ashes, and operating the transfer station and/or sanitary landfill, to the extent the Board of Selectmen shall determine those facilities and activities are within the responsibility of the Town.

The Department may use temporary full-time labor during the summer months to care for and maintain the Town parks and municipal and school fields as determined by the First Selectman.

(Amend. of 11-5-85; Amend. of 11-8-94)

#### **Section 10.14. - Water Pollution Control Authority.**

There shall be a Water Pollution Control Authority consisting of five (5) members who shall be Administrative Appointments of the First Selectman ~~an administrative appointment of the First Selectman~~ for a term of four (4) years.

The Water Pollution Control Authority shall be responsible for the proper care and control of the Town's sewer system. It shall have all the powers and duties outlined in the Connecticut General Statutes. ~~#The Authority shall work with the Sewer Use Rate Review Board in determining the fee it charges customers for the use of the sewers. Should a conflict arise between the Authority and the Sewer Use Rate Review Board the Board of Selectmen shall serve as the arbitrator and make a final decision.~~

The Authority shall prepare an annual operating budget covering the same fiscal year as the Town's General Fund. The budget shall be prepared on or before April 1 for the subsequent year beginning July 1, and shall be submitted to the Board of Selectmen for approval at the first Board of Selectman meeting held after May 1. The same budget shall be shared with the Board of Finance. The Board of Selectmen may approve or disapprove the budget. If the budget is not approved, the budget shall be revised by the Authority until the Board of Selectmen approval is obtained. The annual budget shall include expenses for depreciation on capital assets used in the sewer plant's operation as well as principal and interest costs on any debt issued in whole or in part for sewer operations or capital improvements to the sewer plant or other related items. Monthly financial reports showing a comparison between budgeted revenues and expenses and actual revenues and expenses for the month shall be submitted to the Board of Finance for review and monitoring each month. The annual budget shall be prepared in sufficient detail to provide the Boards of Selectmen and Finance meaningful information.

The fee, also known as the sewer rate, to be charged customers shall be based on the annual costs to operate the sewer facilities as determined by the Authority, and such fee/rate calculation will include depreciation expenses and costs for principal and interest on any sewer related debt service as defined

above. The fee or rate shall be sufficient to cover the costs of debt and operations of the Authority. Customers shall be billed October 1 and April 1 for these charges.

(Amend. of 11-8-94)

#### **Section 10.15. - Commission on Aging.**

There shall be a Commission on Aging consisting of five (5) members who shall be an Administrative Appointments of the First Selectman for overlapping terms of two (2) years. To keep the terms staggered: in 2013, three (3) members shall be appointed for a two (2) year term and two (2) members shall be appointed for a four (4) year term. In 2015, three (3) members shall be appointed for a four (4) year term. Thereafter, members shall be appointed for a four (4) year term.

The Commission shall make a continuing study of the needs of the elderly of Seymour in relation to housing, welfare, health, recreation and other matters they may identify. It shall analyze the services for the aged provided by the community both by public and private agencies, in cooperation with state and other services to the fullest extent possible.

The Commission shall be responsible for the oversight of the general management and supervision of all activities, including the purchase and maintenance of all Senior Center property and equipment. It shall also develop and recommend a yearly budget proposal in conjunction with the Senior Citizens' Director, for submission to the First Selectman and Boards of Selectmen and Finance as required by Section 12.3 of this Charter.

The Commission shall encourage the participation of older residents at a Town provided Senior Center for social, educational, recreational, and cultural programs. The Senior Center may shall provide a handicapped equipped vehicle to transport senior citizens to medical, dental and therapy appointments, adult day care, shopping, and other special needs as determined by the Commission.

The Commission shall be the policy making authority and shall establish defined objectives to be executed by the Senior Citizens' Director. It shall be responsible for interviewing the applicants for all employment positions and shall furnish the names of the top three (3) candidates to the Board of Selectmen for their consideration and action. Through the Senior Citizens' Director, the Commission shall also maintain a record of annual dues and fees for membership in the Senior Center and will submit all proceeds to the Town's Finance Department for accountability purposes.

(Amend. of 11-6-90; Amend. of 11-8-94)

#### **Section 10.16. - First Selectman's Administrative Assistant.**

The First Selectman's Administrative Assistant shall be an administrative appointment of the First Selectman and shall serve at his direction until a successor has been appointed, during his term of office and shall perform such duties as the First Selectman may require. The First Selectman shall cause job descriptions to be prepared for this position.

(Amend. of 11-6-90; Amend. of 11-8-94; Election of 11-2-04)

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

**Section 10.17. - Town Counsel and Assistant Town Counsel.**

There shall be a Town Counsel who is an attorney-at-law, admitted to practice in the State of Connecticut. The Town Counsel and/or any Assistant Town Counsel shall be an administrative appointment of the First Selectman and shall serve at his discretion until a successor has been appointed, at a salary or fee schedule approved by the Board of Selectmen and the Board of Finance.

The Town Counsel shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against the Town or any of its officers and agencies before any court, tribunal, agency or other body wherein it is for the best interest of the Town to have legal representation.

The Town Counsel shall be legal advisor to the First Selectman and the Board of Selectmen, and as such advisor shall attend meetings of the Board of Selectmen, Town Meetings, Annual Town Meetings and other meetings as the First Selectman shall designate.

The Town Counsel shall review all proposed ordinances, contracts and other instruments submitted by the Board of Selectmen. He shall review in advance of all Town Meetings the matters to be presented at such meetings, and consult with the Board of Selectmen, as necessary, to assure the orderly disposition of the business of the meeting. Town Counsel shall have the power, with the approval of the Board of Selectmen, to compromise or settle any claims by or against the Town. Any other officer or the chairman of any other board may request that Town Counsel, upon approval by the First Selectman, appear at a meeting or render a written opinion on any matter concerning the Town. It shall be the responsibility of the First Selectman to insure that Town boards have access to such legal services as are required for the proper interpretation and enforcement of the laws they administer. For such purposes, boards and commissions, within the limits of their appropriations, may employ specialized legal counsel.

There may also be such Special Counsel as the Board of Selectmen may deem necessary. All such appointments shall be by administrative appointment for such areas, boards, cases, issues or meetings as the Board of Selectmen shall designate, and these counsel shall serve at the discretion of the Board of Selectmen until a successor has been appointed to assure orderly disposition of Town business.

(Amend. of 11-6-90; Amend. of 11-8-94)

**Section 10.18. - Town Meeting Moderators.**

There shall be four (4) Town Meeting Moderators who shall be an administrative appointment of the First Selectman for a term of two (2) years or until the next Town election. A Town Meeting Moderator shall preside at all Town Meetings.

(Amend. of 11-8-94)

#### **Section 10.19. - Treasurer.**

There shall be a Town Treasurer who shall be an ~~a~~Administrative ~~a~~Appointment of the First Selectman for a term of two (2) years or until the next Town election. The Treasurer shall be experienced in the financial field and should have formal accounting education and training. He should be knowledgeable in investment bankings. The Town Treasurer shall receive all monies belonging to the Town, pay such monies out on order of the proper authority and sign all Town checks. The Treasurer, who shall also serve as Agent of the Town Deposit Fund, shall have all the powers and duties ordered by the Connecticut General Statutes and such other duties as may be prescribed by the Board of Selectmen. The Town Treasurer shall be responsible for the proper investment of Town funds and shall not affix his signature to any checks unless the expenditure represented thereby has been legally incurred. The Treasurer shall receive, hold and invest any funds of the Town, including securities and other intangibles for which other provisions have not been made by the terms of a gift creating such a fund. The Treasurer shall accurately keep the records required by law. The Town Treasurer may not also hold the position of Finance Director.

The First Selectman may appoint an Assistant Treasurer, who, having taken the oath provided for Town Treasurer, shall, in the absence or disability of the Town Treasurer, perform all his duties. The Treasurer and Assistant Town Treasurer shall give bond to the Town, in accordance with Section 17.4 of this Charter or Connecticut General Statutes as they apply, in such sum as such appointing authority orders with surety to their acceptance, conditioned for the faithful performance of the duties of his office.

(Amend. of 11-6-90; Amend. of 11-8-94)

#### **Section 10.20. - Zoning Board of Appeals.**

There shall be a Zoning Board of Appeals consisting of five (5) regular members and three (3) alternates who shall be ~~an~~ ~~a~~Administrative ~~a~~Appointments of the First Selectman for a term of four (4) years.

The Zoning Board of Appeals shall have the powers, duties and responsibilities and shall be subject to the restrictions and limitations of a Zoning Board of Appeals established under Chapter 124 of the Connecticut General Statutes as amended as to such powers, duties and responsibilities and subject to such restrictions and limitations as may, from time to time, be prescribed by the Seymour Zoning Ordinance.

No regular member of the Commission and no alternate member shall hold a paid municipal office or be a member of the Planning and Zoning Commission. No member or alternate member shall be a paid employee of the Town.

(Amend. of 11-8-94)

#### **Section 10.21. - Sewer Use Rate Review Board.**

There shall be a Sewer Use Rate Review Board consisting of five (5) members who shall be ~~an~~ ~~a~~Administrative ~~a~~Appointments of the First Selectman for a term of four (4) years. The board shall work

with and assist the Water Pollution Control Authority in establishing fair and equitable sewer use charges for the Town. No member of the Board shall also be a member of the Water Pollution Control Authority. The duties and responsibilities shall be identified in an ordinance established in accordance with Section 7.5 of this Charter.

(Amend. of 11-8-94)

#### **Section 10.22. - Redevelopment Agency.**

There shall be a Redevelopment Agency consisting of five (5) members who shall be ~~an~~ Administrative Appointments of the First Selectman for a term of five (5) years. The duties and responsibilities shall be identified in an ordinance established in accordance with Section 7.5 of this Charter.

(Amend. of 11-8-94)

#### **Section 10.23. - Civil Defense Director.**

There shall be a Civil Defense Director who shall be an ~~an~~ Administrative Appointment of the First Selectman and shall serve for a term of four (4) years. His duties and responsibilities shall be identified in an ordinance established in accordance with Section 7.5 of this Charter.

(Amend. of 11-8-94)

#### **Section 10.24. - Conservation Commission.**

There shall be a Conservation Commission consisting of five (5) members whose terms will be four (4) years and will be ~~an~~ Administrative Appointments of the First Selectman. This Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred upon such Commission by Section 7-131A of the Connecticut General Statutes.

The Commission may receive gifts of land in the name of the Municipality, subject to the approval of the Board of Selectmen and Planning and Zoning Commission, for any of its purposes and shall administer the same for such purposes, subject to the terms of the gift.

(Amend. of 11-8-94)

#### **Section 10.25. – Culture and Arts Commission.**

There shall be a Culture and Arts Commission consisting of seven (7) members whose terms will be two (2) years and will be Administrative Appointments of the First Selectman. This Commission shall be responsible for providing both affordable and no-cost entertainment for the residents of the Town of Seymour, and shall have oversight of the Strand Theater.

### **CHAPTER 11. - TOWN EMPLOYEES**

**Section 11.1. - Town Clerk, Tax Collector and Human Resources Manager.**

The Town Clerk shall have all the powers and duties outlined in the Connecticut General Statutes. All fees collected by the Town Clerk in the performance of duties assigned shall be paid into the Town Treasury and the Town Clerk shall be compensated by salary.

The Tax Collector shall have all the powers and duties outlined in the Connecticut General Statutes.

The Human Resource Manager shall be responsible for the attraction, training, and assessment-, in conjunction with the heads of all applicable Departments, of Town employees, while also overseeing any and all organizational leadership and culture, and shall ensure legal compliance with all State and United States employment and labor laws. In any circumstance where Town employees desire and are legally authorized to hold a collective bargaining agreement, the Town Human Resource Manager shall also be present to serve as the Town's liaison with any and all Town employees' labor union representatives.

(Amend. of 11-8-94; Election of 11-2-04)

Note—Formerly, Charter Section 11.3.

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

**CHAPTER 12. - FINANCE AND TAXATION**

**Section 12.1. - Board of Finance.**

There shall be a Board of Finance consisting of seven (7) members who shall be elected for a term of four (4) years. Except as otherwise specifically provided by this Charter, the Board of Finance shall have such powers and duties as are or may be imposed or vested by the Connecticut General Statutes upon Boards of Finance and shall perform all acts required of said Board by the Town or necessary to carry into effect the powers and duties imposed upon said Board of Finance by law. No regular member of the Board of Finance shall be employed by the Town of Seymour or serve on any other elected or permanent appointed Seymour board, or commission. A limit of one Board of Finance member may serve on each temporary appointed committee.

No less than four (4) members shall constitute a quorum and a majority, and a minimum of three (3) affirmative votes is necessary to pass a motion.

~~Vacancies on the Board of Finance shall be filled by the remaining members of the Board within (30) forty-five (45) calendar days of creation of the vacancy with a member of the same political party. If the Board does not act to fill the vacancy within forty-five (45) calendar days the First Selectman may make an administrative appointment to fill the position.~~

(Amend. of 11-8-94; Election of 11-4-2008)

Note—See editor's note at the beginning of Chapter 12.

**~~Section 12.2. — General powers and duties.~~**

~~There shall be a Board of Finance consisting of seven (7) members who shall be elected for a term of four (4) years. Except as otherwise specifically provided by this Charter, the Board of Finance shall have such powers and duties as are or may be imposed or vested by the Connecticut General Statutes upon Boards of Finance and shall perform all acts required of said Board by the Town or necessary to carry into effect the powers and duties imposed upon said Board of Finance by law. No regular member of the Board of Finance shall serve on any other elected Seymour board or commission.~~

~~No less than four (4) members shall constitute a quorum and a majority, and a minimum of three (3) affirmative votes is necessary to pass a motion.~~

~~Vacancies on the Board of Finance shall be filled by the remaining members of the Board within forty-five (45) calendar days of creation of the vacancy with a member of the same political party. If the Board does not act to fill the vacancy within forty-five (45) calendar days the First Selectman may make an administrative appointment to fill the position.~~

**Section 12.2. - General Powers and duties.**

The Board of Finance shall be the budget making authority of the Town and shall be responsible for:

- (a) The preparation of the budget for the following fiscal year and/or years.
- (b) The management and monitoring of the budget for the current fiscal year. The Board shall coordinate its efforts with the Finance Director, the Finance Department and the Board of Selectmen. The Board of Finance shall have access at all reasonable times to the records and books of account of the Town, Town-aided organizations, and of the Board of Education.
- (c) In conjunction with all other boards of the Town and with the direct assistance from the Finance Director, as well as the Board of Selectmen, the development of a long range financial plan for the Town.

(Amend. of 11-8-94; Election of 11-2-04; Election of 11-4-2008)

Note—See editors note at the beginning of Chapter 12.

**Section 12.3. - Annual Town Meeting.**

- (a) Budget preparations. The assessor shall complete a list of all taxable property in the Town existing as of the first (1st) day of October in each year and shall modify said list throughout the assessment year in accordance with the Connecticut General Statutes.

The fiscal year for the Town of Seymour shall run from July 1 of each year through ~~to the ensuing~~ June 30 of the next year.

The Board of Assessment Appeals ~~Tax Review~~ shall meet ~~at least three (3) times in the month of February~~ in the manner provided in Section 12-110 of the Connecticut General Statutes.

All Boards seeking an appropriation shall make their requests for the ensuing fiscal year not later than February 1st of each year by filing twelve (12) copies of the same with the Town Clerk who shall forward a copy to the First Selectman and Finance Director. The First Selectman shall review the budgets with the Finance Director and make such comments and recommendations to the Board of Finance as deemed appropriate. If a request is not filed, the First Selectman and Finance Director shall make their own best estimate of the needed appropriation.

The Board of Finance shall on or before ~~the 1st of April~~ 1 of each year file with the Town Clerk such appropriations as it recommends in the form of a proposed budget and proposed tax mill rate.

The Board of Selectmen shall call an annual Town Meeting no later than May 1st to recommend changes to the budget, revenues, debt service and legal obligations. There must be a quorum present during the annual Town Meeting in order for the budget to go to referendum. The Quorum necessary to transact business at the annual Town Meeting shall be fifty (50) persons qualified to vote at the meeting. At a duly called annual Town Meeting, the moderator may adjourn the meeting if a quorum is not present, and a majority of the Board of Selectmen may thereafter meet and forward the budget to a referendum vote at an adjourned Town Meeting. The purpose of this section is to permit the orderly process of business upon matters technically requiring annual Town Meeting action, but practically proving of insufficient public interest to obtain a quorum.

The Board of Finance shall set a tax mill rate for the ensuing fiscal year.

After adoption of a budget, special appropriations and transfers from one account to another needed for any purpose shall be made in the same manner provided by Chapter 106 of the Connecticut General Statutes. The grand list shall be completed in accordance with the Connecticut General Statutes.

The Town Budget calendar shall be subject to requirements of the Connecticut General Statutes insofar as any specific language of the Connecticut General Statutes supersedes the requirements of the local charter provisions.

- (b) Duties of the Board of Finance on the Budget. By the first Tuesday of ~~December~~ January of each ~~year~~ the Board of Finance shall send out budget request forms through the Finance Director to all Town Departments, Boards and Commissions to be returned no later than the third Tuesday of January ~~February 1st~~ of each year. No less than thirty (30) ~~forty five (45)~~ days prior to the Annual Town Meeting, the Board of Finance shall determine the probable total income of the Town for the forthcoming year, along with any projected deficits with the assistance of the Finance Director. These figures shall include an estimate of all the funds from local, state and federal sources, which will or may be available to the Town. The Board of Finance shall afford each board an opportunity to be heard on their requests. It shall then revise the estimates as it deems necessary and prepare a proposed budget for consideration at a public hearing or hearings to be called no later than April 10th. Notice of such hearing shall be given by publication in a newspaper having substantial circulation in the Town and the Town website at least ten (10) calendar days before such hearing. Printed copies of the proposed budget

~~should~~shall be available for review at the Office of the Town Clerk and Public Library for seventy-two (72) hours in advance of the hearing.

The printed budget shall minimally show the following information:

- (1) A statement of estimated revenues to be received by the Town and a statement of the current last year's anticipated revenues.
- (2) All estimated expenditures for the next fiscal year.
- (3) Columns comparing last year's approved line item budgets with this year's recommended line item budgets, as well as intra-line transfers.
- (4) The Board of Education's budget in total, listing adjustments made by the Board of Finance on the bottom line, unless otherwise provided by the Connecticut General Statutes.
- (5) An appropriation, if desirable, for a capital reserve fund in an amount not to exceed one (1) percent of the total recommended expenditure for the fiscal year.
- (6) An estimate of the available cash surplus, or deficit, projected for the current fiscal year and other items as required by the Board of Finance.

After the public hearing or hearings are held, the Board of Finance shall approve a final budget for presentation to the Town Clerk at least five (5) days prior to the Annual Town Meeting. A copy shall also be filed in the Public Library at the same time.

The Annual Town Meeting shall be held not later than May 1st for the following purposes:

- a) To consider and recommend changes to the budget, revenues, debt service and all legal obligations. Legal obligations shall include staffing of teacher at the level maintained as of September 1st of the prior year less any positions that do not have to be filled include be any obligation conferred on the Town by Federal law, State law, Town Charter requirements and contractual obligations. The Finance Director of the Town and the Chief Financial Officer of the Seymour Public School System shall supply the Board of Finance each year with the specific legal obligations; no later than the third Tuesday of January.
- b) To consider and act upon such other business stated in the Call of the Meeting.

Each Board chairman shall have representation present at the annual Town Meeting ~~this meeting to~~ discuss that Board's activities and answer any questions that townspeople might have about budget requests.

The Annual Town Meeting shall have the power to decrease or delete any appropriation or item within an appropriation except those listed in section (a) above: revenues, debt service, and all legal obligations. No appropriation shall be made for any purpose not recommended by the Board of Finance. The Board of Education's budget as recommended by the Board of Finance shall be considered as a single bottom line appropriation, unless Connecticut General Statutes provide otherwise. ~~If a Town~~

~~Meeting or referendum vote does not approve the revenues, debt service and all legal obligations on or before June 15, only those aforesaid items last submitted by the Board of Finance will be considered to be adopted as part of the new budget effective on July 1st.~~

If the referendum vote at an adjourned Annual Town Meeting ~~shall reject~~s the budget or either part thereof the rejected portion shall be reconsidered by the Board of Finance within five (5) ~~calendar~~ business days. The duly called meeting shall be noticed in the local paper at the direction ~~by~~ notice of the Chairman of the Board of Finance without the necessity of a meeting of the Board of Finance, and public comments shall be allowed and shall be limited to budget recommendations and proposals for consideration by the Board of ~~F~~inance during its deliberations. The Board shall then approve a revised budget or part thereof for presentation at a second referendum vote at an adjourned Annual Town Meeting. The Annual Town Meeting shall be adjourned to referendum by the Moderator. In case of further rejection this process shall be continued using at the five (5) calendar day ~~period~~ for reconsideration by the Board of Finance until a budget is adopted.

- (c) Adoption of the Budget. ~~Adoption of the budget, adoption of the general government and Board of Education budgets shall be by referendum vote at an adjourned Annual Town Budget Meeting held not less than seven (7) calendar days or more than eighteen (18) days thereafter.~~ The referendum vote shall be by machine ballot. Prior to the Annual Town Meeting, the Board of Selectmen shall see that the budget is published in a newspaper having a substantial circulation in the Town, filed and copies made available through the Office of the Town Clerk. Line item breakdowns of expenditures used by the Board of Finance in determining its final budget shall also be made available to the Board of Selectmen and each Town board upon request.

Immediately after the annual budget is approved, the Board of Finance shall meet and lay a tax on the Grand List sufficient in addition to the other estimated yearly income of the Town, to pay the expenses and anticipated appropriations of the Town for the coming year, and also to absorb any deficit of the Town at the end of the preceding fiscal year.

Further referendum votes at subsequent adjourned Annual Town ~~Budget~~ Meetings, if needed, at the discretion of the Board of Finance shall be held not less than seven (7) or more than eighteen (18) calendar days after the prior adjourned Town Meeting referendum vote.

The questions to be voted on at such adjourned Town Meeting shall be presented on the ballot as follows:

- a. Shall the Town General Government Budget, as recommended by the Board of Finance of (dollar amount) for the fiscal year (specify year) be adopted?
- b. Shall the Board of Education Budget, as recommended by the Board of Finance, of (dollar amount) for the Town of Seymour for the fiscal year (specify year) be adopted?

The voters shall be given the option to vote either "Yes" or "No". If both budgets are rejected after revisions by the Board of Finance, both budgets shall be resubmitted to the ballot by the initial ~~an~~

adjourned Annual Town Meeting. In case of further rejections, the aforesaid process, under this section, shall be repeated until said budgets are accepted.

If only one of the aforesaid budgets passes, that budget shall be deemed to be approved. The budget question that is rejected shall be resubmitted to the ballot by an adjourned Annual Town Meeting after revision by the Board of Finance and resubmitted again after further rejection and further revision by the Board of Finance until said budgets ~~is~~ are accepted.

If the ~~complete~~ budget is not adopted by June 15<sup>th</sup> the Town shall send out real estate tax bills based on the same taxation figures and adjusted mill rate of the prior fiscal year, which would include adjustments for the new revenues, debt service, and legal obligations for the next fiscal year, which begins on July 1<sup>st</sup>. After the complete budget is passed the balance of the real estate plus personal property and motor vehicle tax bills shall be sent out based on any ~~increase~~change brought about by referendum vote.

Absentee ballots will be available for the aforesaid adjourned Annual Town Meetings by referendum. Copies of all budgets and revised budgets shall be available at each polling place.

In the event that the general government and/or Board of Education budgets are not approved after repeated referendums but have been reduced to the point of meeting debt service and legal obligations, then the budget shall be deemed to have been adopted. The Board of Finance shall certify by a majority vote that such a budget has been adopted.

The Tax Collector shall then collect the tax in accordance with the Connecticut General Statutes. The Tax Collector shall keep the Board of Finance and the First Selectman informed monthly as to the progress of collections. Taxes of real property shall be due and payable in two installments. The first installment shall be due July 1<sup>st</sup> and delinquent August 1<sup>st</sup>. The second installment shall be due January 1<sup>st</sup> and delinquent February 1<sup>st</sup>.

(Amend. of 11-6-90; Amend. of 11-8-94; Election 11-2-04; Amend. of 11-6-05(2); Election of 11-7-06(2); Election of 11-4-08; Election of 11-4-2008)

Note—See editors note at the beginning of Chapter 12.

#### **Section 12.4. - Fiscal process.**

The fiscal year of the Town shall begin on the first (1<sup>st</sup>) day of July and end on the thirtieth (30<sup>th</sup>) day of June. The accounts for the Town shall be maintained in accordance with the principles promulgated by the National Committee on Governmental Accounting. The Board of Finance shall review the budget monthly. It shall work closely with the Finance Department to assure that expenditures will be controlled and that the Town budget is not in an illegal deficit position at the end of the fiscal year. If a deficit does exist, the Board of Finance must make provisions to fund the shortage in the next fiscal year's budget.

- (a) Special Appropriations and Transfers. The Board of Education may, in accordance with Connecticut General Statutes transfer unexpended balances from one account to another within their total line appropriations. No transfers can be made without the Board of Education's approval. The Board of Education shall inform the Board of Finance of each transfer made.

Other Town boards shall be permitted to transfer amounts between accounts in their budget with Board of Finance approval and without regard to the number of transfers, provided such transfers in the aggregate do not exceed the total bottom line budget approved by the Annual Town Meeting. Any board considering a transfer between line item accounts in their budget of an amount which exceeds the bottom line established by the Board of Finance and approved by Town Meeting action, shall make a written request to the Board of Selectmen for approval of such transfer. The Board of Selectmen shall forward the request with their recommendation and approval to the Board of Finance for action.

- (b) Supplemental Appropriations—Board of Selectmen and Board of Finance Action. All requests or supplemental appropriations by any board shall be made in writing to the Board of Selectmen. The Board of Selectmen shall submit such written requests along with any comments or recommendations and approval to the Board of Finance for action within thirty (30) calendar days of receipt of the same.

Any supplemental appropriation requested by a board may be acted upon by the Board of Selectmen and Board of Finance, without regard to the number of supplemental appropriations previously approved for that board, provided that the current request, when considered either by itself or when added to supplemental appropriations previously approved during the current fiscal year for the board, does not exceed \$50,000.00. The Board of Finance may make a supplementary appropriation to the requesting Town board of an amount not exceeding \$50,000.00 without the approval of a Town Meeting.

When the Town maintains a Reserve Fund for capital and nonrecurring expenditures in accordance with this Charter and/or Connecticut General Statutes, payments into and appropriations from the reserve fund shall be made only upon recommendations of the Board of Selectmen and the Board of Finance if the monies are used for the purpose for which they were collected. If the monies are not to be used for the purpose for which they were collected, then appropriations from the reserve fund shall be made upon recommendations from the Board of Selectmen, Board of Finance, and Town Meeting action regardless of the amount involved.

The Board of Finance may approve, lower, or reject but not increase the amount of any supplemental appropriation upon which it is acting. It shall act on all requests for supplemental appropriations and/or transfers within thirty (30) calendar days of receipt of such request.

The Board of Finance shall request that the Board of Selectmen call ~~pass on to~~ a Special Town Meeting for final action, supplemental appropriations exceeding \$50,000.00 and supplemental appropriations of less than \$50,000.00, if when added to supplemental appropriations previously approved in the current fiscal year for a particular board, they exceed \$50,000.00.

- (c) Supplemental Appropriations—Town Meeting Action. A Special Town Meeting may approve, lower or reject but cannot increase a supplemental appropriation properly brought before it. It may make no appropriation or transfer of funds not recommended by the Board of Finance and the Board of Selectmen. The provisions of this section shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in accordance with the Connecticut General Statutes and this Charter.
- (d) Emergency Appropriations. The Board of Selectmen, acting pursuant to a declaration of a state of emergency, shall be empowered to make appropriations for the purposes of meeting a public emergency threatening the lives, health or property of citizens, provided such appropriations shall receive a favorable vote of at least a majority of a quorum of the full Board of Selectmen. Emergency shall be restricted to "natural disasters" and other "unforeseen events." Written notification of such appropriations shall be given within forty-eight (48) hours to the Board of Finance and a copy thereof posted as required by law.
- (e) Capital Reserve Fund. There shall be a Capital Reserve fund for capital and nonrecurring expenditures, as provided for by the Board of Selectmen and the Board of Finance and approved at the Annual Town Meeting, ~~which shall be called the Capital Reserve Fund for the purposes of this Charter.~~ Said Fund shall be used for capital and nonrecurring expenditures for the planning, construction, reconstruction and/or the acquisition of any specific item of equipment. The Capital Reserve Fund may be discontinued upon the recommendation of the Board of Selectmen and the Board of Finance and upon approval at a Town Meeting called for such purpose. After the discontinuance, any balance in the fund shall be transferred to the General Fund of the Town.
- (f) Borrowing. The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the Connecticut General Statutes. Borrowing in lieu of taxes shall be authorized only after it has been recommended by the Board of Selectmen and the Board of Finance, and approved at a Town Meeting by a majority vote of a quorum of those eligible to vote and voting.
- (g) Over Expenditures. No member of any board of the Town shall expend any funds or enter into any contract which would oblige the Town to expend funds in excess of its approved appropriation. If any member violates this provision and obligates the Town to expend funds in excess of its approved appropriation, except in payment of final judgments rendered against the Town, ~~that member~~ he may be liable in a civil action in the name of the Town as provided in the Connecticut General Statutes.
- (h) Long Range Financial Plan. The Board of Finance, with assistance of the Finance Director, as well as the Board of Selectmen, shall annually submit a long range financial plan for the Town covering the next five (5) year period. This plan is to serve as a guide for boards to follow when they prepare their budgets.

(Amend. of 11-6-90; Amend of 11-8-94; Election of 11-2-04; Election of 11-4-2008)

Note—See editors note at the beginning of Chapter 12.

#### **Section 12.5. - Annual audit.**

The Board of Finance shall annually appoint an independent public accountant or firm of independent public accountants to audit the books and accounts of the Town as provided in the Connecticut General Statutes. The auditor may make recommendations for improvements in the method of keeping the Town records, but such recommendations shall not become effective until approved by the Board of Finance. The audit is to be received by the First Selectman and the Board of Finance no later than December 31st of the year in which the previous fiscal year is completed. The Board of Selectmen may extend this date if extenuating circumstances prevail, ~~and if the extension is approved by the State Tax Commissioner's Office.~~ The auditor and Director of Finance shall assist the Town in preparing the extension form and shall have the extension request prepared for the submission to the Board of Selectmen for the Board's last meeting held in November following the June 30 year end under the audit. If approved by the Board of Selectmen, the extension shall be signed by the First Selectman, Chair of the Board of Finance, and the auditor; and the Finance Director shall submit the approved form to the State of Connecticut's Office of Policy and Management.

The Board of Finance may call for a special audit upon the change of administrations, the death, resignation or removal of a Town official, or in cases of suspected malfeasance.

(Amend. of 11-6-90; Amend. of 11-8-94; Election of 11-2-04; Election of 11-4-2008)

Note—See editors note at the beginning of Chapter 12.

#### **FOOTNOTE(S):**

(2) Editor's note— It should be noted that the Amendments made by the November 4, 2008 Election shall become effective January 1, 2009.

### **CHAPTER 13. - TOWN MEETING**

#### **Section 13.1. - General.**

- (a) Legislative powers shall be vested in the Town Meeting as conferred by this Charter and by the Connecticut General Statutes.
- (b) Persons eligible to vote at Town Meetings shall be the electors of the Town and/or owners of at least \$1,000.00 in taxable property.
- (c) Legal notice of all Town Meetings shall be advertised in a newspaper having a substantial circulation in the Town and a copy of this notice shall be posted on the bulletin board at the Town Hall at least five (5) calendar days prior to the date of the meeting.
- (d) A Moderator shall be appointed for the meeting by the First Selectman.
- (e) The Town Meeting shall be the Annual Town Meeting or Special Town Meeting. Town Meeting action may be subject to referenda pursuant to the provisions of the Connecticut General Statutes except the Annual Town Meeting.
- (f) The Quorum necessary to transact business at the Annual Town Meeting or Special Town Meeting shall be fifty (50) persons qualified to vote at the meeting. At a duly called Special Town Meeting, the moderator may adjourn the meeting if a quorum is not present, and a majority of

the Board of Selectmen may thereafter meet and replace the quorum of fifty (50) people and transact the business on the call. The purpose of this section is to permit the orderly process of business upon matters technically requiring Special Town Meeting action, but practically proving of insufficient public interest to obtain a quorum. Prior to transacting the business of any Special Town Meeting pursuant to the provisions of this section, the Board of Selectmen shall determine by resolution that the failure of the Special Town Meeting to obtain a quorum was not due to inclement weather.

- (g) The Procedure for the Town Meetings shall be as follows: The First Selectman or his representative shall call the Town Meeting to order and turn it over to the appointed moderator. The Town Clerk shall serve as clerk of the meeting. In the absence of the Town Clerk, the moderator shall appoint a clerk.
- (h) The Town Meeting action shall be by majority vote of those present and voting, subject to the quorum requirement listed in paragraph (f) above. Unless otherwise specifically provided, Robert's Rules of Order shall govern the meeting.

(Amend. of 11-6-90; Amend. of 11-8-94)

### **Section 13.2. - Special Town Meetings.**

Special Town Meetings shall be called by the Board of Selectmen whenever action is to be taken upon any of the following items not acted upon at the Annual Town Meeting:

- (a) Any resolution making an appropriation of more than \$50,000.00 and was not included in the annual budget.
- (b) Any resolution authorizing the issuance of notes or other borrowing of \$50,000.00 or more not included in the budget or the issuance of bonds in any amount.
- (c) Any resolution authorizing the issuance of notes, bonds or other borrowings for \$500,000.00 or more, except tax anticipation notes, shall be authorized at a referendum.
- (d) Any supplemental appropriations in excess of \$50,000.00 in accordance with Chapter 12 of this Charter.
- (e) Any sale or purchase of real estate, or any interest therein of the Town, except property acquired by tax foreclosure, or as indicated in item (f) below.
- (f) Real estate leases and/or lease options and lease extensions to which the Town is a party for terms in excess of two (2) years, or at a total cost exceeding \$25,000.00.
- (g) The discontinuance or abandonment of Town roads.
- (h) Any appropriation to or from a Capital Reserve Fund or the termination of a Capital Reserve Fund.
- (i) Any matter deemed by the Board of Selectmen to be of sufficient importance to the Town.
- (j) The Town Meeting shall not act upon any proposal except upon the recommendation of the Board of Selectmen, nor act upon any appropriation which has not been acted upon by the Board of Selectmen and approved by the Board of Finance. Nothing herein shall preclude any rights of petition action with respect to the Town Meeting.

(Amend. of 11-5-85; Amend. of 11-6-90; Amend. of 11-8-94; Election of 11-2-04)

Editor's note— It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

## **CHAPTER 14. - MINORITY REPRESENTATION**

### **Section 14.1. - Determination of minority representation.**

Minority representation on any appointive or elective board or similar body of the Town, except the Board of Ethics and Charter Revision Commission shall be determined as follows:

Total membership	Maximum 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

(Amend. of 11-6-90)

## **CHAPTER 15. – RESERVED**

### **FOOTNOTE(S):**

(3) Editor's note— A Charter Amendment of Nov. 8, 1994, repealed former Ch. 15, Section 15.1, in its entirety which pertained to the removal of appointed officials. Similar provisions have been included in the Charter as Section 9.4. (Back)

## **CHAPTER 16. - TRANSITION AND OTHER PROVISIONS**

### **Section 16.1. - Transfer of powers.**

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

### **Section 16.2. - Existing laws and ordinances.**

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

### **Section 16.3. - 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 board thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained. All such actions or proceedings may be continued notwithstanding the fact that the functions, powers and duties of any board which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another board.

In the event of such transfer, the action or proceeding shall be prosecuted or defended by the board to which such functions, powers and duties have been assigned or transferred.

### **Section 16.4. - Review and amendment of Charter.**

The Board of Selectmen shall appoint a Charter Revision Commission to review the provisions of this Charter from time to time as it deems such review to be in the best interest of the Town, but not less often than once every five (5) years.

### **Section 16.5. - Saving clause.**

This Charter is intended to avail, make use of and exercise the full Home Rule Powers of the Town under the Home Rule Law, and any other statute now in effect or hereafter enacted and any other Home Rule Powers thereof under the Constitution of the State of Connecticut, under the Common Law, or otherwise. This Charter shall be construed as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.

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 effect the remainder of this Charter nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such ruling shall directly apply.

(Amend. of 11-8-94)

### **Section 16.6. - Effective date.**

The Charter of the Town of Seymour was adopted at the regular election on November 2nd, 1982 and implemented on January 1st, 1983. The amendments to this Charter shall become effective upon the approval of a majority of the Town Electors voting thereon at the regular election on November ~~6th~~<sup>2nd</sup>, 201~~2~~<sup>04</sup>, in accordance with the provisions of Chapter 99 of the Connecticut General Statutes provided, however, no revision of this Charter shall be implemented until January 1st, 201~~3~~<sup>05</sup>.

(Amend. of 11-5-85; Amend. of 11-6-90; Amend. of 11-8-94; Election of 11-2-04)

Editor's note—It should be noted that the Amendment approved by the November 2, 2004 Election will be effective January 1, 2005.

### **Section 16.7. - Usage.**

When the context so requires, the masculine gender shall include the feminine, and the singular shall include the plural, and vice-versa.

## **CHAPTER 17. – MISCELLANEOUS**

### **Section 17.1. - Calling of board meetings in absence of chairman.**

If a chairman of a board is absent, unwilling or unable to call a meeting of said board or where the chairman's position is vacant, a meeting may be duly called by any two (2) members of said board.

(Amend. of 11-6-90; Amend. of 11-8-94)

### **Section 17.2. - Conflicts between general statutes and Charter.**

Whenever this Charter refers to a power "as provided by Connecticut General Statutes" and the applicable statute refers to the power "as provided by ordinance or Charter" or similar wording, the substantive provisions of this Charter shall prevail.

### **Section 17.3. - Definitions.**

Unless the context otherwise clearly requires, the following words, when used in this Charter, shall have the following meanings:

- (a) Annual Election—Means, in the odd-numbered years, the Town Election; and means, in the even-numbered years, the State Election.
- (b) Annual Town Meeting—Means the Annual Meeting called for the purpose of reviewing the annual budget as well as departmental plans for future operations. The Annual Town Meeting may also be called the Annual Budget Meeting.
- (c) Appointed Boards—Means all non-elective boards, whether membership is by appointment of the First Selectman, Civil Service Commission or any other non-elective selection.
- (d) Board—Means any agency, authority, board, commission, office or officer of the Town or in which the Town participates on a regional or area basis, as may apply.
- (e) Connecticut General Statutes—Means the General Statutes of Connecticut, as revised.
- (f) Legislative Body—Means a combination of the Town Meeting and the Board of Selectmen as defined in Section 7-193 of the Connecticut General Statutes, the Town Meeting possessing the legislative authority only to the extent specifically set forth in this Charter.
- (g) Majority—Means more than fifty (50) percent of those present and voting when a quorum is present.
- (h) Majority of the Full Board—Means a majority of the entire membership of the full board whether or not present and voting.
- (i) Special Act—Means a special act enacted by the Connecticut General Assembly.
- (j) Term—Means, unless provided otherwise by Connecticut General Statutes, this Charter or ordinance creating an office or board, the term of elected officers and agents and the members

of all elected boards shall commence on the first Monday in December. The term of appointed officers and agents and of members of appointed boards shall commence on the date prescribed by the appointing authority if not herein provided.

- (k) Town—Means the Town of Seymour.
- (l) Town Election—Means the election held on the first (1st) Tuesday after the first (1st) Monday in November in odd numbered years.
- (m) Town Meeting—Means, when used in this Charter, the annual meeting or a special meeting of the qualified voters and qualified electors of the Town for the purpose specifically set forth in this Charter. The Town Meeting as used in the Connecticut General Statutes shall refer to the legislative body of the Town and shall be construed to mean the Board of Selectmen except in relation to the purposes or powers of the Town Meeting as set forth in this Charter.

(Amend. of 11-6-90; Amend. of 11-8-94)

#### **Section 17.4. - Officers bonds.**

All officers as may be required to do so under the Connecticut General Statutes or by ordinance and all employees as may be required to do so by the Board of Selectmen shall, before entering on their respective official duties, execute to the Town, in the form prescribed by the Board of Selectmen and approved by Town Counsel, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Selectmen, conditioned upon the honest and/or faithful performance of such official duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interest of the Town, from prescribing a name schedule bond, a schedule position bond or blanket bond. Premiums for such bonds shall be paid by the Town.

#### **Section 17.5. - Continuation of appropriations and Town funds.**

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

#### **Section 17.6. - Purchasing.**

All purchasing for Town boards, except the Board of Education, shall be done through the Finance Office and only upon the issuance of a purchase order.

All purchases of all boards, including the Board of Education, shall be subject to the bidding procedures of the Town as set forth in Town Ordinances.

The Finance Department shall be responsible for making purchase orders and procuring services for the Town expeditiously and efficiently. It shall organize, supervise and maintain a suitable municipal accounting system, so that it can, upon request, furnish pertinent data as to the status of accounts and as to personal and real property held by and for any board. The Finance Department shall immediately

notify Town officials and withhold the purchase, when any request for purchase is in excess of funds available by budgetary appropriation.

Every payment for goods and services made in violation of this Charter provision 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 with knowledge shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein, such action shall be cause for removal.

(Amend. of 11-8-94)

#### **Section 17.7. - Endorsement of Town checks.**

All checks drawn to pay for expenditures authorized by the Town boards, except the Board of Education, are to be signed by the Treasurer or Assistant Treasurer and either the First Selectman or, in his absence, the Deputy First Selectman. All checks that are being drawn, the amount, person or company being paid and the purpose, shall be listed in a summary for the Board of Selectmen.

### **SUBPART B. - SPECIAL ACTS**

#### **Sec. 1. - Incorporation, original boundaries.**

All that part of the Town of Derby lying northerly of the following described line, to wit: commencing at the Housatonic River, thence running easterly, in a straight line, touching the most northerly point of Martin B. Bassett's stone building, on the east bank of said river, thence running easterly, in the same straight line, to the north side of the dwelling house now occupied by said Martin B. Bassett, thence in a straight line easterly to the stone bridge in the highway, about twenty-five rods westerly of the house occupied by Pearl Carpenter, thence from said bridge, following down the brook that runs under said bridge, till it empties into the Naugatuck River, thence from the mouth of said brook, easterly, in a straight line, to the intersection of the line dividing the Town of Woodbridge from the Town of Derby, with the center line of the Rimmon Falls turnpike road, with all the inhabitants residing therein, be and the same hereby is incorporated into a distinct Town, by the name of SEYMOUR; and the inhabitants aforesaid, and their successors, forever, residing within said limits, shall have and enjoy all the powers, privileges and immunities which are enjoyed by other Towns in this state, with the privilege of sending one representative to the general assembly of this state.

(Special Laws 1850, Vol. 4, p. 1272)

Cross reference— For later boundary enactments, see §§ 3—7 of this compilation of special laws.

#### **Sec. 2. - Mileage.**

The mileage of the said Town of Seymour to Hartford, be forty-five miles, and to New Haven, be eleven miles.

(Special Laws 1850, Vol. 4, p. 1273)

**Sec. 3. - Boundary between Oxford, Seymour.**

The line between the towns of Oxford and Seymour be and the same is hereby established upon the perambulation as reported under the date of May 4th, A.D. 1853, by the persons duly appointed to perambulate and report the same.

(Special Laws 1853, Vol. 4, p. 1264)

**Sec. 4. - Part of Oxford annexed to Seymour.**

All the part of the Town of Oxford lying southerly of a line drawn from the Town bounds, standing between the towns of Seymour and Oxford in New Haven County, near the dwelling house of Mrs. Sabra Lindley; thence running in an easterly direction about one hundred and thirty-four rods, to a pile of stones on Diamond Rock, so called; thence running easterly about one hundred and twenty rods to a pile of stones about twenty rods from the Naugatuck Railroad; thence running easterly to a pile of stones with a stake standing therein, on the Town line between said Seymour and Oxford, easterly of the dwelling house of Miles Culver, and southerly of the south end of Rock Rimmon, so called, by and hereby is incorporated in and made part of the said Town of Seymour, and that the aforesaid lines and boundaries be the boundaries between said towns.

(Special Laws 1854, Vol. 4, p. 1264)

**Sec. 5. - Residence of certain persons between Seymour and Woodbridge.**

The person or persons who reside, or who may hereafter reside, in the house known as the Stoddard Chatfield place, owned by Mrs. Mary J. Ford, while located on the line which divides the Towns of Seymour and Woodbridge in this state, shall be deemed to reside in the Town of Woodbridge.

(Special Laws 1897, Act No. 148)

**Sec. 6. - Incorporation of Beacon Falls from part of Seymour.**

- (1) Boundaries. That all those parts of the Towns of Bethany, Naugatuck, Oxford and Seymour lying within the following described limits and boundaries, viz: Beginning at a point on an old highway known as Blackberry Hill Road, in the Town of Bethany, which is intersected by a straight line extended and running on and in the northern boundary line of the homestead farm of Naman Peck, in Seymour, which boundary line is marked by a stone wall in part; thence running northerly in said old highway to a point about forty rods east of the dwelling house known as the Edwin Buckingham house; thence north fourteen degrees east one hundred and eighty-eight and one-half rods, to a heap of stones on Perkins' land (so called); thence north three and one-half degrees east four hundred and twenty-two rods; thence north twenty-nine degrees west to

a point on Beacon Hill Brook, opposite the saw mill of Amos Hotchkiss, to a heap of stones; thence following said brook westerly to the Naugatuck River; thence following the Naugatuck River southerly to the mouth of Spruce Brook on the west bank of the same; thence following the Town line northwesterly to a heap of stones which marks the boundary line between Oxford and Naugatuck; thence running southerly to a large oak stump, known as oak tree corner, about eighty rods north of the dwelling house of Stiles Fairchild; thence in a straight line southwest to Hemp Swamp Bridge, so called; thence in a straight line to a heap of stones on the east side of Diamond Rock (so called) which marks the boundary between Seymour and Oxford, said last line being the district lines of Rimmon district; thence easterly and northerly following the Oxford and Seymour town line to a point on Rock Rimmon in a line with the said northerly boundary line of the said home farm of the said Naman Peck; thence following in said line which runs a little south of east in a straight line to the point of beginning; with all the inhabitants residing within said limits be and the same hereby is, incorporated and erected into a new and separate town, by the name of Beacon Falls, with all the rights, powers, privileges, and immunities, and subject to all the duties and liabilities of other towns in this state, with the right of sending one representative to the general assembly of this state. And all those parts of the above mentioned towns embraced in the foregoing limits to be and remain an independent town, with the name of Beacon Falls, by which it shall be hereafter called and known.

(Special Laws 1871, Act No. 80, § 1)

**Sec. 7. - Part of Seymour annexed to Derby.**

- (1) Boundaries. That all that part of the Town of Seymour included in the following limits, to wit: Commencing at a point on the present line dividing said Town of Derby from said Town of Seymour in the center of the Naugatuck River; thence northeasterly, running in a right line to a hole drilled on a point or ledge of rock in the land of E. B. Pratt, and northerly of said Pratt's barn; thence easterly in a right line to a hole drilled on the high ledge on land of William D. Steele; thence southeasterly in a right line to the point where the present dividing line between said Towns of Seymour and Derby crosses the highway, running northerly from the borough of Ansonia, on the easterly side of the ridge, and known as the Pennyroyal road, with all the inhabitants residing therein, be and hereby is, annexed to and incorporated with and made part of said Town of Derby, and that the aforesaid lines and boundaries are hereby established between said Towns of Seymour and Derby.
- (2) Effect on previously levied taxes; probate district. That nothing herein contained shall affect the collection of any tax heretofore laid by said Town of Seymour. And said part of said Town of Seymour hereby annexed to Derby shall be and remain a part of the probate district of said Town of Derby.

(Special Laws 1871, Vol. 7, § 126)

**Sec. 8. - Records concerning building and veranda lines, highways to be kept by clerk.**

All proceedings of the board of selectman relating to the establishment of building lines, or veranda lines, or both and all proceedings relating to the laying out or altering of highways, or to defining the boundaries of existing highways, shall be recorded by the Town Clerk in a book kept for that purpose and entitled "Record of highways and building lines."

(Special Laws 1917, Act No. 178, § 5)

**Sec. 9. - Fiscal year established; meetings of board of tax review.**

The fiscal year for the Town of Seymour shall be changed as follows: The current fiscal year, commencing August 11, 1940, shall terminate August 10, 1941. The fiscal period commencing August 11, 1941, shall terminate March 31, 1942. Thereafter, beginning April 1, 1942, the fiscal year of the Town shall commence April first of each year and expire the thirty-first day of March next succeeding. The tax lists filed during the month of October, 1941, with the board of assessors of said Town shall constitute the tax lists for the fiscal year beginning April 1, 1942, and expiring March 31, 1943. Meetings of the board of tax review during the month of February, 1942, shall constitute the meetings for relief from assessments for taxation for the period beginning April 1, 1942, and expiring March 31, 1943. Annually thereafter, the meetings of the board of tax review in February shall consider appeals taken from assessments on the list filed the preceding October, for assessment for taxation purposes for the fiscal year beginning on July April first next succeeding the date of the filing of such list.

(Special Laws 1941, Act No. 172, § 1)

**Sec. 10. - Assessment date.**

The assessment date for the assessment of property in said Town for taxation shall continue to be the first day of October in each year. Annually thereafter, the tax list filed during the month of October shall constitute one tax list for assessment to meet the Town expenses for the fiscal year beginning the succeeding July April first.

(Special Laws 1941, Act No. 172, § 2)

**Sec. 11. - Duty of Town not to exceed budget.**

The appropriations recommended shall be the appropriations of the Town of Seymour for the ensuing year, unless such appropriations be decreased by said annual Town business meeting, but the total amount of appropriations for any year shall not exceed the estimated income for the year, nor shall the board of selectmen or board of education of said Town, nor the Town in special meeting incur, or vote to incur, any liability or expense, by contract or otherwise, for which said Town shall be responsible, in excess of the appropriations so made by said board.

(Special Laws 1917, Act No. 145, § 4; Special Laws 1921, Act No. 165; Special Laws 1933, Act No. 81)

**Sec. 12. - Clerk for board of assessors.**

There shall be a full time clerk for the board of assessors of the Town of Seymour. Said clerk shall be appointed with the approbation of the board of assessors, and said appointment shall be for a term of four years from April first in the year of appointment. The salary to be paid said clerk shall be determined by the board of selectmen. Said clerk shall devote full time to the duties for which he is appointed and shall perform such duties as may be imposed upon him by the board of assessors, including the keeping of careful, accurate and detailed records. Said clerk shall furnish satisfactory and suitable bond, in such amount as shall be determined by the board of selectmen, and may be removed from office by said board only for cause.

(Special Laws 1957, Act No. 336)

State law reference— Creation and election of assessors in towns having biennial elections, G.S. § 9-196.

**Sec. 13. - Police department created; compensation, powers of members.**

There shall be a police department in the Town of Seymour which shall consist of a chief, a lieutenant and such sergeants and regular officers, supernumerary officers and special police officers as are from time to time prescribed by the board of police commissioners. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws of the state, and ordinances of the city and all rules and regulations made in accordance therewith. All officers of the police department, in criminal matters, shall have all of the powers of peace officers under the general statutes. They shall also have in criminal matters all of the powers of constables and may execute any warrant for search or arrest issued by any judge of the state.

(Special Laws 1959, Act No. 100, § 1; Special Laws 1965, Act No. 308, § 1)

**Sec. 14. - Duties, powers of police chief.**

The department shall have a chief of police who shall be the administrative head of the department. He shall be subject to the rules and regulations and general supervision of the police commissioners as hereinafter set forth. He shall assign all members of the department to their respective posts, shifts, details and duties. He shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders of the chief shall be grounds for dismissal or disciplinary action in accordance with the provisions of section 3 of this act.

(Special Laws 1959, Act No. 100, § 2)

**Sec. 15. - Compensation of police commissioners.**

No compensation for services shall be allowed to any member of the board of commissioners, but each commissioner shall be entitled to receive his actual disbursements or necessary expenses in the performance of any duty imposed upon him by direction of the board.

(Special Laws 1959, Act No. 100, § 4)

**Sec. 16. - Managerial and budgetary powers of police commissioners.**

Said board [of police commissioners] shall have the general management and control of the police department of the Town of Seymour, shall purchase all equipment for the department, shall annually prepare a budget, shall make rules and regulations governing the department, and shall fix the compensation of officers, supervisors and employees of said department, within the limitations of the appropriations provided therefor, subject to the approval of the board of finance.

(Special Laws 1959, Act No. 100, § 5)

**~~Sec. 17. - Appointment of police personnel.~~**

~~Said board [of police commissioners] shall appoint all personnel of the department, except the chief of said department, in the number and grades established by the board. In appointing police officers, the board shall give consideration to the police experience, general qualifications and to health and age of any candidate.~~

~~(Special Laws 1959, Act No. 100, § 6; Special Laws 1965, Act No. 308, § 3)~~

**~~Sec. 18. - Regulation of parking, traffic.~~**

~~Said board [of police commissioners] shall have jurisdiction within the Town over the parking of automobiles upon its streets and highways and may make regulations concerning the same and concerning traffic so far as the same shall not be inconsistent with the general statutes.~~

~~(Special Laws 1959, Act No. 100, § 7)~~

**Sec. 19. - Trunk line system—Portion of West Street included.**

West Street in the Town of Seymour, extending from its junction with route number 67 to its junction with Cedar Street and Cedar Street to its junction with route number 8, are included in the trunk line system of highways.

(Special Laws 1937, Act No. 350)

**Sec. 20. - Same—Portion of South Main Street included.**

South Main Street in the Town of Seymour from its intersection with Main Street to its intersection with Main Street, Ansonia, and Main Street in Ansonia to its intersection with Derby Avenue, Derby, and Derby Avenue to its intersection with New Haven Avenue, are included in the trunk line system.

(Special Laws 1935, Act No. 103)

**Sec. 21. - Same—Authority of selectmen to agree to inclusion of portion of Maple Street.**

That portion of Maple Street in the Town of Seymour which runs from route 115 to route 563, being approximately one and six-tenths miles, is included in the trunk line system of highways, provided the governing authority of the Town of Seymour shall execute an agreement with the highway commissioner for the maintenance by the Town of that part of state road 511 which now is state maintained.

(Special Laws 1959, Act No. 257)

**Sec. 22. - Right of Housatonic Company to maintain fixtures in streets.**

In addition to the rights, powers, privileges, franchises granted to The Housatonic Public Service Company by section 3 of number 225 of the special acts of 1953, said company shall have the right to manufacture, buy, produce, sell and distribute both manufactured and natural gas and gas appliances for any and all purposes within the Town of Seymour, and shall have the right to install and maintain pipes, conduits or convenient fixtures and apparatus in the highways in said Town and shall have the right to enter upon and open said highways subject to the provisions of the general statutes.

(Special Laws 1955, Act No. 397)

**Sec. 23. - Naugatuck River bridge named.**

The bridge to be built across the Naugatuck River in the Town of Seymour, which will replace one destroyed by flood, shall be designated the "General David Humphreys Memorial Bridge."

(Special Laws 1957, Act No. 226)

**Sec. 24. - Maintenance of footbridge between Main and Humphrey Streets.**

The footbridge over the tracks of ~~MetroNorth the New York, New Haven, and Hartford Railroad Company~~ and located between Main and Humphrey Streets in the Town of Seymour shall be maintained by the company maintaining the railroad tracks under said bridge.

(1925 Public Acts Ch. 64)

**FOOTNOTE(S):**

Editor's note— Printed herein are special acts of the General Assembly which are specific to the Town of Seymour. Many of these acts have been superseded by the new Charter and are printed for historical purposes only. Additions made for clarity are enclosed in brackets [ ].

**SUBPART C. - SPECIAL ACT NO. 71. VALLEY TRANSIT DISTRICT**

**Sec. 1. - [Established; boundaries.]**

There is established the Valley Transit District, the boundaries of which shall be coterminous with the boundaries of the Valley Planning Region as defined by the director of the office of state planning.

(Special Laws 1971, Act No. 71, § 1)

**Sec. 2. - [Board of directors; district manager and other employees.]**

The affairs of the district shall be managed by a board of directors chosen from among the electors of the constituent municipalities as follows: Each municipality shall have at least one director. Municipalities with a population, according to the most recent federal census, of over ten thousand, notwithstanding the provisions of section 7-273c of general statutes, shall have an additional director for each additional population of ten thousand or fraction thereof. The legislative body of each constituent municipality shall appoint the number of directors to which it is entitled for terms of four years, except that, in the initial appointments by municipalities entitled to more than one director, one director shall be appointed for an initial term of two years and all the others for four years, their successors to serve for four years each. The legislative body of any municipality in respect to which a vacancy on the board occurs shall fill it for the unexpired portion of the term. Section 9-167a of the general statutes shall apply to the appointment of directors representing each municipality. The directors shall meet at least four times annually or more often on the call of the chairman and shall elect officers from among their number. They may adopt bylaws and rules for the conduct of the affairs of the district. The directors shall provide an opportunity, at least once every four months, in advance of and near the time of one of their regular meetings, for representatives of such of the following as exist to discuss with them the current and proposed activities of the district: The Valley Council of Governments, municipal planning commissions and community development action plan agencies, the Valley Regional Planning Agency, the regional anti-poverty agency and transit users. The directors shall appoint and fix the salary of a district manager, who shall be the chief executive officer of the district, and such other employees as are required for district purposes.

(Special Laws 1971, Act No. 71, § 2)

**Sec. 3. - [Expenses; appropriations.]**

Annually the board of directors shall hold a public meeting at which itemized estimates of the expenditures of the district for the ensuing fiscal year shall be presented and at which all persons within the district shall be heard in regard to any appropriation, which they are desirous that the board should recommend or reject. The board shall, after such public hearing, hold an executive session at which it shall prepare and cause to be published in a newspaper or newspapers having a substantial circulation in such district a report in a form prescribed by the tax commissioner containing:

- (1) An itemized statement of all actual receipts from all sources of such district during its last fiscal year;
- (2) An itemized statement of classification of all actual expenditures during the same year;
- (3) An itemized estimate of anticipated revenues during the ensuing fiscal year from each source;
- (4) An itemized estimate of expenditures for such ensuing fiscal year; and
- (5) The amount of revenue surplus or deficit of the district at the beginning of the fiscal year for which estimates are being prepared.

Not less than two nor more than four weeks after such publication the board shall, at an executive session, make such specific appropriations as appear advisable, but no appropriation for any purpose shall be made exceeding the amount published for that purpose and no appropriation shall be made for any purpose not published. The proportionate share of the total of such appropriations to be paid by each municipality shall be determined by the board on the basis of population, relative profit or loss resulting from service to the municipality and other factors which the board deems relevant. Payment of such proportionate shares shall be made during each fiscal year on a date or dates fixed by the board. If it becomes necessary during any fiscal year for the board to appropriate additional sums, the provisions of this section governing annual appropriations shall govern so far as they are applicable. The accounts of the district shall be audited in the manner provided by section 7-392 of the general statutes.

(Special Laws 1971, Act No. 71, § 3)

**Sec. 4. - [Bonds; temporary notes.]**

The district may, after approval by a referendum vote in the district, at which referendum all persons in such district entitled, under section 7-6 of the general statutes, to vote at Town meetings shall be entitled to vote, issue bonds in the name of the district, and upon the full faith and credit of the district and of the municipalities comprising the same, or secured by a pledge of revenues, or both. Such bonds shall be sold at an interest rate to be determined by the board of directors and shall be in serial form maturing in annual installments which shall be substantially equal or shall be so arranged that no installment, payable in any year shall be less than the amount of any installment, payable in any subsequent year. The first installment of any series of bonds shall mature not later than two years from the date of the issue [issuance] of such series and the last installment of such series shall mature not later than twenty years therefrom. Whenever the district has been authorized to issue bonds as provided by this section, the board of directors of such district may authorize the issuance of temporary notes in anticipation of the receipt of the proceeds from the sale of such bonds. Such notes shall be issued for a period of not more one year, but notes issued for a shorter period of time may be renewed by the issue of other notes, provided the period from the date of the original notes to the maturity of the last notes issued in renewal thereof, shall not exceed one year. The term of such notes shall not be included in computing the time within which such bonds shall mature. The provisions of section 7-374 of the general statutes, as amended, shall not apply to bonds issued under this act.

(Special Laws 1971, Act No. 71, § 4)

**Sec. 5. - [Public passenger transportation service.]**

If the district operates a public passenger transportation service pursuant to the provisions of this act, it shall be responsible for any injury or damage to persons or property, happening or arising by reason of the maintenance or operation of the same, in the same manner and to the same extent as though the same were owned and operated by individuals or by a private corporation. Members of the board shall not be personally liable to suits in such cases except for malfeasance in office. Any member of the board shall be an agent of the district for service of process.

(Special Laws 1971, Act No. 71, § 5)

**Sec. 6. - [Employees of companies acquired by district.]**

Whenever the board of directors acquires the property and franchises of any company or companies operating a public passenger transportation service within the district, all employees of such company or companies who are necessary for the operation of such district except executive and administrative officers, shall become employees of the district and shall be credited by the district with all seniority rights, sick leave and vacation, insurance and pension benefits in accordance with the records or labor agreements of the acquired company or companies. The district shall assume and observe all pension obligations of such acquired company or companies, and members and beneficiaries of any pension or retirement system or other benefits established by the acquired company or companies shall continue to have rights, privileges, benefits, obligations and status with respect to such established systems. The district shall assume and observe all labor contracts of such company or companies in existence at the time of transfer and all obligations incurred by such contracts in regard to wages, salaries, hours, sick leave, working conditions, collective bargaining, and pension or retirement provisions. The district, through its board, may enter into agreements with representatives of its employees relative to the transfer or establishment of pension trust funds to or under the joint control of the district and representatives of its employees, and shall have all powers necessary to maintain and administer such trust funds jointly with representatives of its employees. No employee of any such acquired company who is transferred to a position with the district shall, by reason of such transfer, be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefit than he enjoyed as an employee of such company.

(Special Laws 1971, Act No. 71, § 6)

**Sec. 7. - [Collective bargaining; labor disputes.]**

The transit district, through its board of directors, shall have power to engage in collective bargaining with duly appointed representatives of an employee labor organization and may enter into labor contracts concerning wages, salaries, hours, sick leave, working conditions, collective bargaining and pension or retirement provisions. In case of any labor dispute involving a district and its employees where collective bargaining does not result in agreement, the parties shall submit such dispute to arbitration pursuant to arbitration provisions in any labor contract assumed by the district or entered into by the district, or, in the absence of such provisions, to the board of mediation and arbitration in accordance with the procedure set out in section 31-97 of the general statutes and shall abide by the decision rendered under the provisions of section 31-98 of the general statutes. As used in this section, the term "labor dispute" includes, but shall not be restricted to, any controversy between the district and its employees or their representatives concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing or maintaining, or seeking to negotiate, fix, maintain or change, terms or conditions of employment; and the term "labor organization" means any organization which exists and is constituted for the purpose, in whole or in

part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection.

(Special Laws 1971, Act No. 71, § 7)

**Sec. 8. - [Motor bus service.]**

The district, by its board of directors, shall have the exclusive supervision of the operation of motor bus service within the district, subject to the approval of the public utilities commission as long as a private ownership of transit operation exists in the district. It shall establish passenger fares and any other rates to be charged and shall establish service standards, and may order abandonment of uneconomic routes or may subsidize if such uneconomic routes are continued, subject to final approval of the public utilities commission. If the directors deem it necessary to preserve mass transportation, the district may establish, operate and maintain a system for the transportation of passengers within the district or between the district and any municipality contiguous with its service area with which it contracts to furnish passenger service and for this purpose may acquire the property and franchises of any company or companies operating a public passenger transportation service therein or, if no system exists, may establish a new system. Thereafter the directors may contract, after competitive bidding, for the operation of the system by private management under suitable incentives. The board of directors shall fix the passenger fares and any other rates to be charged. The board shall for its purposes under this act, so far as applicable, have the authority conferred on the public utilities commission by the general statutes as applied to local transit. No provision of chapters 277 and 286 of the general statutes shall apply to the district operation of motor busses or to private management for services provided under a contract with said district, provided such contract shall require that the board of transit districts shall stipulate fares and services to be operated by such private management.

(Special Laws 1971, Act No. 71, § 8)

**Sec. 9. - [Mass transportation.]**

If the directors deem it necessary to preserve mass transportation, the district may establish, operate and maintain a system for the transportation of passengers within the district or between the district and any municipality contiguous with its service area with which it contracts to furnish passenger service, and for this purpose may acquire the property and franchises of any company or companies operating a public passenger transportation service therein or, if no system exists, may establish a new system. Thereafter the directors may contract, after competitive bidding, for the operation of the system by private management, under suitable incentives. The board of directors shall fix the passenger fares and any other rates to be charged. The board shall, for its purposes under this section, so far as applicable, have the authority conferred on the public utilities commission by the general statutes as applied to local transit.

(Special Laws 1971, Act No. 71, § 9)

**Sec. 10. - [Powers generally.]**

- (a) The district shall have such other powers as are granted to transit districts under chapter 103a of the general statutes, as amended, and such other statutes as may be enacted, including but not limited to the power to contract with any municipality to supply transportation therein, to establish or support mass transportation systems or services, and to acquire the property and franchises of any company or companies operating a public passenger transportation service in the district.
- (b) The district shall have the power to accept and expend funds from any source, including the state or federal governments.
- (c) The district may contract with any person, group of persons or corporation, including but not limited to any common carrier or any agency of the state or of the United States, for the purpose of supporting, continuing, providing, establishing or improving systems or services for mass transportation of passengers. The district may, by itself or by agreement with others, support all or a portion of such systems or services, share in the costs or provide funds for such purpose. The district may apply for grants or financial assistance from any person, group of persons or corporation or from any agency of the state or of the United States and may make equipment or other facilities available to any common carrier under arrangements deemed suitable to support, continue, provide, establish or improve mass transportation systems or services. The district may purchase any rail or mass transit right-of-way and associated facilities or acquire the right of use of such right-of-way and associated facilities by lease or any other arrangements.

(Special Laws 1971, Act No. 71, § 10)

**Sec. 11. - [Withdrawal from district.]**

Any municipality included in the district may withdraw therefrom if the electors thereof vote to do so at any regular election in such municipality. In such case the board of directors of the district, including the members chosen from the withdrawing municipality, shall determine the share of the district's expenses and obligations remaining due from the municipality. The municipality shall pay or secure such amount to the district before such withdrawal shall become effective. The inhabitants of the municipality or municipalities forming the district shall be a body corporate and politic, and may sue and be sued, plead and be impleaded, hold and convey real or personal estate and adopt and alter a common seal.

(Special Laws, 1971, Act No. 71, § 11)

**FOOTNOTE(S):**

(5) Editor's note— Special Act No. 71 (1971 Session) is set out as subpart C.