

## FOREWARD

On May 19, 1959, the Town of Plainville adopted its original charter under Connecticut's Home Rule Act. By this action, the Town's form of government was changed from Selectman-Town Meeting to Town Council-Town Manager, effective October 5, 1959. Subsequently a booklet was printed which contained the charter, ordinances and special acts relating to the Town of Plainville. That booklet has undergone many revisions as various items were adopted, amended or repealed. This edition is divided into three parts, as follows:

**SECTION 1. THE CHARTER OF THE TOWN OF PLAINVILLE.** As mentioned, the original charter was effective October 5, 1959. Amendments to the charter were approved by Plainville voters on November 15, 1961, October 4, 1965, November 5, 1968, November 8, 1988, November 4, 2003, November 2, 2004, November 7, 2006 and November 6, 2012. As printed here, the charter is the complete document as amended to November 6, 2012. Either in written or oral form, most of the charter's provisions have been the subject of legal opinions of the Town Counsel.

**SECTION 2. ORDINANCES OF THE TOWN OF PLAINVILLE.** This section contains only those ordinances presently relevant to the functions of municipal government. Omitted are those of no current importance, those no longer enforceable or effective, and any which have been repealed.

All ordinances and resolutions which have been omitted are recorded in the office of the Town Clerk, and are available for public inspection.

Also excluded are various regulations of municipal agencies and commissions –

The statewide Building Code, adopted September 1, 1971, is available for public examination in the office of the Building Official. His office also has available copies of the Zoning Regulations, Subdivision Regulations, Zoning Map and Inland Wetlands Regulations.

Various sanitary sewer regulations are printed separately, and are available from the Sewer Department.

TM and TMR stand for Town Meeting and Town Meeting Record.

**SECTION 3. SPECIAL ACTS OF THE TOWN OF PLAINVILLE.** "Special Acts" are those adopted by the State Legislature which pertain only to the Town of Plainville. Over the past 119 years, 47 have been enacted.

Many of these have later been repealed by the General Assembly at the request of the Town, or were "repealed by implication", i.e. repealed by a subsequent law adopted by the General Assembly which applies to all of Connecticut's towns.

Most of those special acts which remain in effect are of comparatively narrow interest; the only one of general concern is that by which the Town is authorized to install water lines. In the interest of cost savings, Section 3 of this booklet contains that special act, plus a listing of those others which are still in force. The text of these and all other special acts relating to the municipality are available for public examination in the office of the Town Clerk.

Effective October 5, 1959

Amended:

November 15, 1961

October 4, 1965

November 5, 1968

November 8, 1988

November 4, 2003

November 2, 2004

November 7, 2006

November 6, 2012

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## **CHARTER OF THE TOWN OF PLAINVILLE**

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

#### **SECTION 1. INCORPORATION**

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

#### **SECTION 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 said Town as of the effective date of this Charter are continued in said Town and said Town shall continue to be liable for all debts and obligations of every kind for which said Town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said Town to collect any assessment, charge, debt or lien. If any contract has been entered into by said Town prior to the effective date of this Charter or and bond or undertaking has been given by or in favor of said Town which contains provisions that the same may be enforced by any commission, board, department or officer therein named, which is abolished by provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any commission, board, department or officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Manager of said Town.

#### **SECTION 3. GENERAL GRANT OF POWERS**

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

### **CHAPTER II. OFFICERS AND ELECTIONS**

#### **SECTION 1. NOMINATION OF CANDIDATES, GENERAL MUNICIPAL ELECTIONS, MINORITY REPRESENTATION**

##### **a. NOMINATION OF CANDIDATES**

Nomination of state and federal officers, and all elective officers of the Town of Plainville, shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefore, in

the manner prescribed by the Constitution and general and special laws of this state applicable to the Town of Plainville.

**b. MUNICIPAL ELECTIONS**

The terms of all officers hitherto elected and hereafter elected in the Town of Plainville shall continue until their successors have been elected and duly qualified as provided herein. A meeting of the electors of the Town of Plainville for the election of town officers shall be held biennially on the first (1st) Tuesday after the first (1st) Monday in November in the odd numbered years.

**c. MINORITY REPRESENTATION**

No political party may nominate more than one (1) candidate for any town office to be filled by a vote of the electors of said Town, nor may any political party nominate more than a bare majority of persons for boards, commissions or other offices of said Town, consisting of more than one (1) person, with the exception of the Town Council and the Board of Education. No board or commission elected or appointed in said Town, with the exception of the Town Council and the Board of Education, shall consist of more than a bare majority of the members of one (1) political party.

**d. TOWN COUNCIL**

At each regular biennial town election, each political party shall nominate five (5) candidates to the Town Council; each elector shall have the right to vote for seven (7) Council members; and the seven (7) candidates obtaining the highest number of votes shall take office for terms of two (2) years. The Town Council shall consist of seven (7) members, not more than five (5) of whom shall be members of the same political party.

**e. BOARD OF EDUCATION**

At each regular biennial town election, each political party shall nominate three (3) candidates to the Board of Education; each elector shall have the right to vote for the number of candidates to be elected, and the number of members elected to the Board of Education shall be equal to the number of members whose terms will have expired on the date of said election, to serve for terms of four (4) years from the date of their election. The Board of Education shall consist of nine (9) members, not more than six (6) of whom shall be members of the same political party.

**f. BOARD OF LIBRARY TRUSTEES**

Each political party shall nominate candidates to the Board of Library Trustees equal to one-half (1/2) the number of members whose terms will expire on the date of said election. Each elector shall have the right to vote for the number of offices to be filled at each election; and members shall be elected at each regular biennial town election to succeed those members whose terms will have expired on the date of said election, to serve for terms of six (6) years from the date of their election. The Board of Library Trustees shall consist of six (6) members, not more than three (3) of whom shall be members of the same political party.

**g. OTHER OFFICES**

At each regular biennial town election, seven (7) Constables shall be elected for terms of two (2) years. The Registrars of Voters and Justices of the Peace shall be elected at such times and for such terms as provided by statute and ordinance.

## **SECTION 2. UNAFFILIATED VOTERS**

Any voter not a member of a political party may qualify as a candidate for any elective office in the Town of Plainville by complying with the requirements as to unaffiliated voters as set out in the state statutes of the State of Connecticut, as may be from time to time amended.

## **SECTION 3. BREAKING A TIE**

When, as the result of any general or special municipal election held under the provisions of this charter, it is necessary to break a tie, a special election confined to the tied candidates or issues shall be held on the seventh (7th) day after said election to determine who shall be elected, or in the case of a question whether it shall be accepted or rejected. In the event the persons so tied shall consent to it said tie may be resolved by the outgoing Town Council and said persons so chosen shall be declared duly elected to said office. All voting machines concerning the returns from which there is no disagreement may be unlocked and paper ballots may be used in such special election if voting machines are not available in sufficient numbers. The opening of the voting machines shall be governed by state statutes.

## **SECTION 4. ELIGIBILITY**

Each person, to be eligible for election or appointment to any Town office, board or commission, other than a Town office subject to the merit system, must be a resident and elector of the town at the time of that person's election or appointment. Such person ceasing to be resident or elector of said Town shall cease to hold elective office or appointive office in the town. This section shall not apply to the Town Manager or Town Attorney.

## **SECTION 5. VACANCIES**

Any vacancy in any elective Town office from whatever cause arising shall be filled by appointment by the Town Council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner, provided that when the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by appointment of a member of the same political party. If the person vacating office shall have been affiliated with no political party, said vacancy shall be filled by appointment of another voter, who is affiliated with no political party.

## **SECTION 6. VOTING DISTRICTS**

All officers of the Town of Plainville who are chosen by election shall be elected at large. The voting districts shall be established by the Town Council, by ordinance, which shall divide the Town into voting districts for the establishment of polling places therein.

## **CHAPTER III. TOWN COUNCIL**

### **SECTION 1. POWERS**

The governing body of the Town shall be the Town Council which shall exercise and perform all the rights, powers, duties and obligations of the Town except as the same may be assigned by this Charter to some other officer, board or agency, which powers shall include in addition to all other powers all the powers and duties now or hereafter conferred or imposed upon town meetings excepting for budget purposes or as otherwise provided in this Charter, boards of finance, boards of police commissioners, building commissioners, boards of fire commissioners, boards of sewer commissioners, and boards of selectmen, except for the making of voters and related matters, in towns by the General Statutes and in the Town of Plainville in particular by special acts. The Town Council may provide by ordinance for the exercise of any of the administrative powers of the former Board of Selectmen not other-wise assigned by this Charter, by the Manager or some other officer, board or agency. The Town Council shall prepare the annual budget of the Town pursuant to the provisions of this Charter and shall set the tax rate. It shall have power, subject to the provisions of this Charter, by ordinance to create or abolish departments and offices, and the charges, if any, to be made for services rendered by the Town. It shall determine who else, if anyone, besides the Town Treasurer and the Director of Finance shall countersign all municipal checks and drafts. It shall further have power to make, alter and repeal ordinances or resolutions not inconsistent with this charter and the general laws of the State for the execution of the powers vested in the Town as provided in Chapter I of this Charter, for the government of the Town and the management of its business, and for the preservation of the good order, peace, health and safety of the Town and its inhabitants.

## **SECTION 2. COMPOSITION**

The Town Council shall consist of seven (7) members who shall be chosen from the town at large at each town election for terms of two (2) years from the second (2nd) Monday in November, in each odd numbered year.

## **SECTION 3. COMPENSATION**

The members of the Town Council shall serve without compensation.

## **SECTION 4. ORGANIZATION**

Each newly elected Town Council shall meet for organization in the Town Hall at eight (8) o'clock p.m. on the second (2nd) Monday in November in each odd numbered year. The meeting shall be called to order by the Town Clerk who shall administer the oath of office to all members, provided that in the absence of the Town Clerk the meeting may be called to order and the oath administered by any citizen of Plainville authorized by law to administer oaths. The Town Council shall elect annually thereafter a chairperson and vice-chairperson for the terms of one (1) year.

## **SECTION 5. PROCEDURE**

The Town Council shall fix the time and place of its regular meetings and provide by ordinance a method for the calling of special meetings but no business shall be considered at any special meeting notice of which has not been included in the call for such meeting. The Town Council shall determine its own rules of procedure not inconsistent with the provisions of this Charter. The presence of five (5) members shall constitute a quorum but no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of its next meeting, shall be adopted by less than five (5) affirmative votes and the ayes and noes on each vote shall be recorded in the journal; provided however that the appointment of the Town Attorney, Town Council Chairperson, Vice Chairperson, Town Treasurer and any vacancy on

the Town Council shall be by at least four (4) affirmative votes. No ordinance or resolution shall be adopted or appointment or removal made except in a meeting of the Town Council open to the public.

## **SECTION 6. OTHER OFFICES**

During the term for which such Councilperson is elected, no member of the Town Council shall hold any other municipal office, elective or appointive or employment in or under the Town government.

## **SECTION 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

The introduction of ordinances and resolutions shall be governed by the rules prescribed by the Town Council in its rules of internal procedure.

## **SECTION 8. PUBLIC HEARINGS AND PASSAGE OF ORDINANCES**

At least one (1) public hearing, notice of which shall be given not more than ten (10) nor less than three (3) days prior to the date of said hearing by publication in a newspaper having a circulation in the Town and by posting on the town bulletin board, shall be held by the Town Council before any ordinance shall be passed. A copy of said proposed ordinance shall be on file three (3) days prior to the date of said public hearing in the office of the Town Clerk and in the Plainville Public Library. Except for an emergency ordinance, notice of the passage of an ordinance shall be published not later than thirty (30) days after its adoption by the Town Council in one (1) or more newspapers having a circulation in the Town. Such notice shall be in the form of a summary and shall also be available in its entirety electronically and at the Town Clerk's office and the Plainville Public Library, and shall not become effective until thirty (30) days after such notice is published. The foregoing provisions of this section shall not apply to ordinances or resolutions relating to the appointment or designation of officers of the Town Council or its internal procedure or to those ordinances or resolutions applying to appointments. All ordinances and resolutions when passed shall be filed with the Town Clerk and recorded by the Town Clerk in a book kept for that purpose. Anything in this charter to the contrary notwithstanding, before an ordinance for a non-budgeted appropriation becomes effective, it shall be determined by the Director of Finance that sufficient funds are or will be available during the current fiscal year for such appropriation.

## **SECTION 9. REFERENDUM ON ORDINANCES AND RESOLUTIONS**

If during the ten (10) day period following the adoption of any ordinance or resolution, except the annual budget, a resolution fixing the tax rate, a resolution making an appointment or removal, an ordinance making a special appropriation of less than twenty-five thousand (\$25,000) dollars, or an emergency ordinance as defined in this Chapter, there be filed with the Town Clerk in respect of such ordinance or resolution a petition signed by qualified electors of the town in number equal to not less than five (5%) per cent of the total number of electors in the town as determined by the latest official list of the Registrars of Voters, requesting the reference of such ordinance or resolution to the voters, and upon certification by the Town Clerk that a sufficient number of valid signatures are attached to the petition, the ordinance or resolution shall not take effect until the same has been submitted at a special election which the Town Council must call, to be held in accordance with those sections of the General Statutes which govern the conduct of referenda. Following such election the ordinance shall take effect unless a majority of those voting thereon, such majority consisting of not less than ten (10%) percent of the qualified electors in the town as determined by the latest official list of the Registrars of Voters, shall vote in the negative. The submission to the electors provided in this section may be at a Town election

or a general election if the petition is validated not more than thirty (30) days prior to the time for approval and submission of local questions at elections, as provided by the General Statutes.

#### **SECTION 10. EMERGENCY ORDINANCE**

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency, and shall be adopted by not less than five (5) affirmative votes in the Town Council, and in no event shall the annual budget or any appropriation, except as hereinafter provided, constitute an emergency ordinance. For the purpose of meeting an emergency as herein defined, or to prevent the breakdown of any essential service rendered by a department, board, commission or agency of the Town, the Town Council by an affirmative vote of not less than five (5) of its members may appropriate, notwithstanding any other provision of this Charter, a sum not to exceed fifty thousand (\$50,000) dollars per each declared emergency occurrence.

#### **SECTION 11. OBLIGATORY REFERENDUM ON BOND ISSUES AND APPROPRIATIONS IN EXCESS OF 1% OF THE ANNUAL BUDGET**

No ordinance or resolution authorizing the issuance of bonds in excess of 1% of the annual budget or making a special appropriation in excess of 1% of the annual budget shall become effective until the same has been approved by a majority of the qualified electors voting thereon at a town election, general election, or special election called by the Town Council for the purpose.

#### **SECTION 12. INITIATIVE**

The electors of the town may in the manner hereinafter provide propose and adopt ordinances except an ordinance fixing the tax rate. No ordinance so proposed, involving any increase in the expenditures of the Town beyond those budgeted for the current fiscal year, shall take effect until after the adoption of the next annual budget, unless the Town Council, subject to the limitation hereinbefore set forth, shall make a special appropriation for the purpose. The ordinance shall be proposed by a petition to the Town Council requesting its adoption, setting forth the ordinance in full, and shall be signed by qualified electors of the town in number equal to not less than five (5%) per cent of the total number of electors in the town as determined by the latest official list of the Registrars of Voters. The petition shall be filed with the Town Clerk who shall within ten (10) days examine the signatures to the same and determine their sufficiency. If the Clerk finds that the petition has been signed by the required number of electors the Clerk shall so certify to the Town Council at its next regular meeting. The Town Council shall within sixty (60) days after such certification either adopt the proposed ordinance after hearing as provided in this Chapter or submit the same to the electors at a special election which the Town Council must call to be held in accordance with those sections of the General Statutes which govern the conduct of referenda. If a majority of those voting on the proposed ordinance, such majority consisting of at least fifteen (15%) percent of the total number of electors as determined by the latest official list of the Registrars of Voters, shall vote in the affirmative the ordinance shall be adopted.

#### **SECTION 13. REMOVALS**

The Town Council for cause may remove any appointee or employee appointed by it provided that such appointee or employee be first served with a statement of the grounds for that person's removal and given an opportunity to be heard by the Town Council thereon. Said appointee or employee may be represented by counsel at that person's own expense. Such hearing shall be public if the appointee or employee desires and shall be held not less than five or more than ten days after

service of the grounds for removal. The decision of the Town Council shall be final. From the service of the statement of the grounds for removal until final action by the Town Council the appointee or employee shall be ineligible to perform the duties of that person's office or employment but that person shall continue to receive his/her salary or wages pending such final action.

#### **SECTION 14. INVESTIGATION**

The Town Council shall have power to investigate any and all departments, offices, boards, commissions and agencies of the Town, including the Board of Education. For purposes of such investigation, the Town Attorney shall have the power, to issue subpoenas, and the Town Attorney may request any judge to issue a *capias ad testificandum* for the appearance of witnesses and the production of documents.

Any Town Council member shall have the power to make inquiries into any and all departments, offices, boards, commissions and agencies of the Town, including the Board of Education, and shall have the right to request, inspect and review any such documents. Inquires made to the Board of Education shall be limited to financial documents, and shall be provided at no cost.

For the purposes of this section, the term "documents" shall also include but without limitation electronic data, electronic files, and emails.

### **CHAPTER IV. MANAGER**

#### **SECTION 1. QUALIFICATIONS, APPOINTMENT AND TENURE**

A Town Manager, hereinafter referred to as the Manager shall be appointed by the Town Council solely on the basis of that person's executive ability and his knowledge of accepted practices in local government administration. The Manager shall serve for an indefinite term and be subject to removal by the Town Council in the manner provided elsewhere in this charter for the removal of all officers appointed by the Town Council. At the time of appointment the Manager need not be a resident of the Town or the State but during the tenure of office, the Manager shall reside in the Town. The Manager shall devote his/her full time to the office of the Manager.

#### **SECTION 2. COMPENSATION**

The Manager shall receive compensation to be fixed by the Town Council

#### **SECTION 3. DUTIES**

It shall be the duty of the Manager to attend all meetings of the Town Council with the right to speak but not to vote; to keep the Town Council informed concerning the financial condition of the Town and concerning all other matters affecting the welfare of the Town; to prepare and submit in the manner provided in this Charter the annual budget of the Town; to prepare in form suitable for publication within one hundred eighty (180) days after the close of each fiscal year a report of the financial transactions and accomplishments of the Town government for such fiscal year; to see that the laws of the State and ordinances of the Town are faithfully executed; and to perform such other duties as may be assigned the Manager by law or by the ordinances or resolutions of the Town Council.

#### **SECTION 4. POWERS**

The Manager shall supervise and control, subject to the Manager's responsibility to the Town Council, all departments and agencies of the Town except the Board of Education and those in charge of officers elected by the people, appointed by the Governor and the General Assembly or appointed by the Town Council. The Manager shall appoint and may remove, subject to the provisions elsewhere in this charter, all officers and employees of the departments and agencies of the Town under the Manager's jurisdiction.

#### **SECTION 5. ACTING MANAGER**

The Manager shall designate, with the approval of the Town Council, an employee of the Town who shall act as manager, except in the matter of appointments and removals, during any temporary inability of the Manager to serve. In the event of a vacancy in the office of Manager, from whatever cause arising, the Town Council shall have power to designate a person, other than a member of the Town Council, to act as Manager pending the filling of such vacancy.

### **CHAPTER V. OFFICERS AND BOARDS DIRECTLY RESPONSIBLE TO THE TOWN COUNCIL**

#### **SECTION 1. TOWN TREASURER**

There shall be a Town Treasurer appointed by the Town Council for a term of two (2) years, co-terminus with the term of the Town Council which appointed the Treasurer, who shall also be the Agent of the Town Deposit Fund. It shall be the duty of the Treasurer to receive and safely keep all monies belonging to the Town by depositing the same in a bank to be selected by the Town Council. The Treasurer may invest from time to time with the approval of the Manager in securities of the United States monies of the Town not needed for immediate expenditure. The Treasurer shall likewise invest any trust funds of the Town for which other provision has not been made by the terms of the gift creating such fund, in securities legal for the investment of trust funds in Connecticut. The Treasurer shall keep such accounts as shall be prescribed by law or ordinance or by the orders of the Director of Finance, approved by the Manager. No money shall be drawn from any Town account except by check countersigned by the Treasurer and the Treasurer shall not affix his/her signature to any such check unless the Treasurer is satisfied that the expenditure represented thereby has been legally incurred. The Treasurer shall have such deputies and other assistants as shall be appointed by the Town Council.

#### **SECTION 2. TOWN ATTORNEY**

There shall be a Town Attorney who shall be appointed by the Town Council for a term of two (2) years, from the second (2nd) Monday in November in the odd numbered years. It shall be the duty of the Town Attorney to be the legal advisor of the Town Council, Manager, and all departments, officers, boards, commissions and agencies of the Town; to represent the Town in all litigation in which the Town or any department, officer, board, commission or agency thereof is a party; and to prepare on request of the Manager, the Town Attorney or any member thereof, ordinances and resolutions for consideration by that body. The Town Attorney shall have such clerical and other assistance including legal assistance to be appointed by Town Attorney, as the Town Council may determine by ordinance, or resolution, or by vote of the Town Council.

#### **SECTION 3. TOWN PLANNING AND ZONING COMMISSION**

There shall be one (1) Commission consisting of seven (7) members appointed by the Town Council for four (4) year terms which shall perform the functions and duties prescribed for Town Planning Commissions and Town Zoning Commissions by the Connecticut General Statutes. The members of the Planning and Zoning Commission in office on the date of the amendment of this Charter shall continue in office until their successors are appointed and duly qualified. Said commission shall have the authority to employ engineers, planners, consultants, draftsmen and other assistants, but shall be empowered to obligate the Town only to the extent said services are provided for in their annual budget. The Planning and Zoning Commission, in addition to performing all their obligations under this Charter and town regulations, shall comply with CT General Statutes 8-24 and all applicable statutes. Members of said Commission shall serve without compensation.

#### **SECTION 4. ZONING BOARD OF APPEALS**

There shall be a Zoning Board of Appeals which shall perform the duties and functions provided in the applicable sections of the General Statutes of the State of Connecticut. Said Board shall consist of five (5) members who shall each serve for a term of four (4) years. Members of said Board shall serve without compensation.

#### **SECTION 5. BOARD OF ASSESSMENT APPEALS**

There shall be a Board of Assessment Appeals of three (3) members which shall have all the powers and duties which now are or may be hereafter conferred or imposed by the General Statutes on Boards of Assessment Appeals in Town. The members of the Board of Assessment Appeals shall be appointed by the Town Council for terms of four (4) years. The members of the Board of Assessment Appeals shall receive such per diem compensation as may be provided by the Town Council.

#### **SECTION 6. BOARD OF BUILDING APPEALS**

There shall be a Board of Building Appeals consisting of five (5) members, appointed in conformance with the Connecticut General Statutes. It shall be the duty of the Board of Building Appeals to hear all appeals from the rulings of the Building Official in the enforcement of the Building Code of the Town and to render its decisions approving, modifying or reversing the decisions of the Building Official. The members of the Board of Building Appeals shall serve without compensation.

#### **SECTION 7. ETHICS COMMISSION**

There shall be a Municipal Ethics Commission. The members shall be appointed by the Town Council. The Board shall operate pursuant to and in accordance with the Connecticut General Statutes, the Town Charter and applicable ordinances.

#### **SECTION 8. APPOINTMENTS AND VACANCIES**

Subject to the provisions of Chapter III, Section 13, all persons appointed by the Town Council or the Town Manager shall serve in office until their successors are appointed and qualify. No one shall be appointed to serve simultaneously on more than one (1) board or commission with the exception of temporary commissions. Any vacancy on any board or commission appointed by the Town Council shall be filled by the Town Council for the unexpired portion of the term of the vacated office.

### **CHAPTER VI. ADMINISTRATIVE DEPARTMENTS AND OFFICERS UNDER THE MANAGER**

## **SECTION 1. TOWN CLERK**

The Town Clerk shall be appointed by the Manager for an indefinite term. In addition to the powers and duties prescribed for Town Clerks by the General Statutes, the Town Clerk shall be the Clerk of the Town Council, keep a journal of its proceedings which shall be a public record, and perform such other duties as may be assigned the Town Clerk by this Charter or by action of the Town Council or the Manager. The Town Clerk shall have such deputies, clerks and other assistants as the Town Council may determine, to be appointed by the Town Manager.

## **SECTION 2. DEPARTMENT OF FINANCE**

There shall be a department of finance consisting of the Director of Finance, the Assessor and the Revenue Collector. They shall have such deputies, clerks, and other assistants as the Town Council may determine, to be appointed by the Manager. The Director of Finance, shall be appointed jointly by the Manager and the Superintendent of Schools for an indefinite term and shall respectively have all the powers and duties conferred on the director of finance by the General Statutes. The Assessor, and Revenue Collector, respectively, shall be appointed by the Manager for indefinite terms, and shall respectively have all the powers and duties conferred on the, assessors, boards of assessors, and Revenue Collectors by the General Statutes. The Department of Finance shall be responsible for maintaining all budgets, accounts and financial records of the Town, including those of the Board of Education. The Department of Finance shall keep records of all financial transactions for the Town, including those of the Board of Education, and shall perform such other duties as deemed necessary by the Manager, Board of Finance, the Board of Education, or the Superintendent of Schools for the sound administration of their respective budgets. In addition, they shall have other duties as may be assigned them by the Charter, by ordinance, or by the Town Council, Town Manager, Director of Finance or Superintendent of Schools, and in no way shall the Department of Finance or any provision of this Charter be deemed to abrogate the ability of the Board of Education or the Town Council to maintain separate administrative oversight of their respective budgets. It shall be the duty of the Finance Director, under the supervision of the Town Manager and the Superintendent of Schools, to install and maintain current conditions of all funds and appropriations; to file with the Manager and Town Council by the tenth (10th) day of each month a report of the cumulative financial transactions of the preceding month showing the amount of each appropriation, the charges against and the credits to the same as of the end of the preceding month, and the unencumbered balance therein from the beginning of the fiscal year: to prepare and file with the Manager and Town Council within one hundred eighty (180) days of the conclusion of each fiscal year a report covering all financial transactions of the Town for such fiscal year; to prescribe the form of accounts to be kept by each department, office, board, commission and agency of the Town, and the times at which and the manner in which monies collected on the Town's account by any such department, office, board, commission, or agency shall be paid into the Town treasury; and to perform such other duties as may be prescribed by the Town Council, by ordinance or by the orders of the Manager and the Superintendent of Schools consistent therewith.

## **SECTION 3. DEPARTMENT OF SAFETY**

There shall be a Department of Safety which shall consist of the Divisions of Police and Fire. The head of the Department of Safety shall be the Director of Safety who until the Town Council shall determine otherwise by ordinance shall be the Manager. The Director of Safety shall be the Traffic Authority as defined in the General Statutes. There shall continue to be a Safety Committee subject to change by ordinance of the Town Council.

#### **a. DIVISION OF POLICE**

There shall be a Division of Police consisting of the Chief of Police and such other officers and employees of such ranks and grades as the Town Council may determine by ordinance. The Town Council shall by ordinance determine a system of appointments and promotions within the Police Department. The Division of Police shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the State and the ordinances of the Town and all rules and regulations made in accordance therewith. All members of the Division shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes. The duties of the Animal Control Officer as provided in the General Statutes shall be assumed by the Division of Police. The Chief of Police shall be the executive officer of the Division of Police. The Chief of Police shall assign all members of the Division to their respective posts, shifts, details and duties. The Chief of Police shall be responsible for the care and custody of all property used by the Division and for the efficiency, discipline and good conduct of its members. The Chief of Police shall make rules for the operation of the Division and the conduct of police work, subject to the approval of the Director of Safety. The violation of these rules by any member of the Division shall be punishable by appropriate disciplinary action which may include loss of pay, suspension from duty and removal provided that no member of the Division shall be suspended by the Chief for more than ten (10) days without the approval of the Director of Safety and no suspension for more than thirty days or removal shall be made except in accordance with the provisions elsewhere in this Charter.

#### **b. DIVISION OF FIRE**

It is the intent of this Charter that fire protection shall continue to be provided by the volunteer company heretofore established in the organization and conduct of which no change is contemplated. Additional fire companies may be established from time to time subject to the provisions of this Charter. The Town Council shall enter into an agreement with such volunteer fire company or companies for the protection of the town from fire on such conditions as to financial assistance and the observance of such regulations as the Town Council shall prescribe. There shall be a Fire Chief who shall be appointed by the Town Council and who shall serve for such term as designated by said ordinance. There shall be such number of Assistant Fire Chiefs as designated by ordinance who shall be appointed by the Town Council and who shall serve for such terms as designated by said ordinance. The Fire Chief shall direct the operation of the fire companies at fires, institute and conduct suitable training programs for firefighters in cooperation with Company officers, and perform such other duties as may be prescribed by ordinance or the order of the Director of Safety. There shall be a Fire Marshal and Deputy Fire Marshal who shall be appointed by the Town Council and who shall have all the powers and duties of fire marshals and deputy fire marshals in towns as provided in the General Statutes.

#### **c. SAFETY COMMITTEE**

There shall be a Safety Committee which shall be an advisory committee in the matter of public safety, which committee shall consist of the Chief of Police, Director of Physical Services/Public Works, Director of Technical Services/Town Engineer, Director of Business and Operations /Finance Department and one (1) civilian who shall be appointed by the Town Manager. Its function shall be to advise on all Town safety, industrial, vehicular and school pedestrian traffic matters.

#### **SECTION 4. DEPARTMENT OF PUBLIC WORKS**

There shall be a Department of Public Works consisting of the Director of Public Works, the Town Engineer, Building Official, Superintendent of the Sewer Department, Superintendent of Public Buildings and Grounds, Superintendent of Highways, the Tree Warden, and such other employees as the Town Council may determine. The Manager shall be the Director of Public Works until the Town Council shall determine otherwise by ordinance. It shall be the duty of the Department of Public Works to maintain, repair, clean and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; maintain and operate sanitary sewers; care for and maintain all Town buildings, including those in the jurisdiction of the Board of Education by agreement between the Town Council and Board of Education; prepare or supervise the preparation of plans and specifications for the construction or reconstruction of streets, sidewalks, curbs, gutters, storm sewers, drains, public buildings and other structures and construct or supervise the construction of the same, provided that nothing herein shall preclude the employment of engineers and architects on any such project or the appointment of citizen advisory committees on the construction of school or other Town buildings; care for parks, public grounds including those in the jurisdiction of the Board of Education by agreement between the Town Council and Board of Education, and grassed areas in streets and plant and care for trees within the street line and perform other duties of the Tree Warden; enforce the provisions of the Building Code, Zoning Ordinance, and ordinances imposing on owners of property obligations to construct and maintain sidewalks, curbs, gutters, storm and sanitary sewers and drains; and perform such other duties as may be prescribed by the Town Council by ordinance.

#### **SECTION 5. DEPARTMENT OF RECREATION AND PARKS**

There shall be a Department of Recreation and Parks consisting of a Director of Recreation and Parks, such other employees as the Town Council may determine, and an Advisory Recreation and Park Board. The Manager shall be the Director of Recreation until the Town Council shall determine otherwise by ordinance. The Advisory Recreation and Park Board in office on the date of the adoption of the amendment to this Charter shall continue in office until their terms expire. Members shall then be appointed by the Town Manager for terms of four (4) years. Any vacancy shall be filled by appointment by the Manager for the unexpired portion of the term. The Department of Recreation and Parks shall have charge of all parks, park and recreation properties, and of all recreational activities of the Town except such as may be undertaken by the Board of Education, provided that the ordinary care and maintenance of park grounds, and buildings shall be furnished by the Department of Public Works as provided elsewhere in this Charter. The Advisory Recreation and Park Board shall study the recreation and park facilities and program of the Town and shall confer at least once quarterly with the Director of Recreation and Parks and the Director of Public Works and advise them with respect to the development and use of the Town's parks and its recreation program. The Director of Recreation and Parks shall consult with the Advisory Recreation and Park Board in the preparation of the budget insofar as it relates to the Department of Recreation and Parks. The Director of Recreation and Parks, with the approval of the Advisory Recreation and Park Board, shall make rules for the use of parks, public grounds and recreation facilities consistent with the ordinances of the Town and the Statutes of the State, which shall have the force of law.

It shall be the duty of the Police Department to enforce these rules and at the request of the Director of Recreation and Parks any employee of the Department of Recreation and Parks maybe appointed by the Director of Safety a special police officer with the same powers as a member of the Police Department but only for the purpose of protecting public property and preserving order with the parks and public grounds under the jurisdiction of the Department of Recreation and Parks.

#### **SECTION 6. DEPARTMENT OF HEALTH**

There shall be a Department of Health which shall consist of the Director of Health, the Sanitarian, and such other employees as the Town Council shall determine. The Director of Health shall be appointed by the Town Council for a four (4) year term; shall serve under the administrative supervision of the Town Manager; and shall possess the qualifications prescribed by law for directors of health in towns. The Sanitarian shall be appointed by the Town Manager for an indefinite term. The department shall have the powers and duties prescribed for municipal health authorities by the Connecticut General Statutes, and shall perform such other duties as may be prescribed by the Town Council or Town Manager. The Director of Health and Sanitarian in office on the date of the amendment of this Charter shall continue in office until their successors are appointed and qualified. Nothing in this provision shall prohibit the creation of a public health district under conditions established by the State Department of Health.

## **SECTION 7. OTHER DEPARTMENTS, OFFICES AND AGENCIES**

There shall be such other departments, offices and agencies, organized in such manner as the Town Council shall determine.

## **CHAPTER VII. FINANCIAL PROVISIONS**

### **SECTION 1. FISCAL YEAR**

The fiscal year of the Town shall begin on the first (1st) day of July and end on the thirtieth (30th) day of June.

### **SECTION 2. DEPARTMENT ESTIMATES**

Not later than the first (1st) day of February each department, office, board, commission and agency of the Town, excluding the Board of Education, shall submit to the Manager in such form as he may prescribe its estimates of receipts and expenditures for the ensuing fiscal year. Each such department, office, board, commission and agency shall be entitled to an opportunity to be heard by the Manager in respect to these estimates.

### **SECTION 3. SCHOOL BUDGET**

The Board of Education shall furnish to the Manager, by the fifteenth (15th) day of February, a budget for the operation of the schools containing a detailed estimate of expenditures, deemed by said Board to be necessary for the proper conduct of the public schools, in the manner and form designated by the Manager.

### **SECTION 4. DUTIES OF MANAGER ON BUDGET**

No later than the second (2nd) Monday in March the Manager shall present to the Town Council a budget consisting of: (a) a budget message outlining the financial policy of the Town and describing in connection therewith the important features of the budget plan; (b) estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year and estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year; (c) itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, agency or activity for the last completed

fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, the requests of the several departments, offices and agencies for the ensuing fiscal year and the Manager's recommendations of the amount to be appropriated for the ensuing fiscal year for all items, and such other information as may be required by the Town Council. The Manager shall present reasons for all recommendations. The Superintendent of Schools shall have the same duties as the Manager and follow the same form and procedure with respect to the budget of the Board of Education as provided in this Chapter for departmental estimates; (d) as part of the annual budget or as a separate report attached thereto the Manager shall present a program, previously considered and acted upon by the Town Planning and Zoning Commission in accordance with Section 8-24 of the General Statutes, concerning municipal improvements, of proposed capital projects for the ensuing fiscal year and for the four (4) fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, office or agency annually in the form and manner prescribed by the Manager. The Manager shall recommend to the Town Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

## **SECTION 5. DUTIES OF TOWN COUNCIL ON BUDGET**

The Town Council shall hold one (1) or more public hearings not later than thirty (30) days before the annual budget meeting at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following the receipt of the estimates from the Manager and the Chairperson of the Board of Education and the holding of such public hearing or hearings, the Town Council shall prepare a budget and shall render the same to the annual budget meeting of the Town. The Town Council shall hold at least one (1) or more public hearings not sooner than twenty (20) days and not later than twenty-five (25) days prior to the annual budget meeting. The purpose of this meeting is to have the Chairperson of the Town Council and the Chairperson of the Board of Education communicate to the public what changes were made to the Town Manager's and the Board of Education's proposed budgets. After presentation by the Chairpersons of the changes to the proposed budgets, the hearing shall be open for public comment on the budget. Sufficient copies of said annual budget shall be made available for general distribution in the office of the Town Clerk and the Manager, not less than five (5) days prior to said public hearing. Sufficient copies of the annual budget as revised after said public hearing shall be made available for general distribution in the office of the Town Clerk and the Manager not less than five (5) days prior to the annual budget meeting. Further, not less than five (5) days prior to the annual budget meeting, the Town Council shall cause to be published in a newspaper having a circulation in the Town a summary of the budget as revised after the public hearing, showing revenues by major sources and proposed expenditures by function or department in the columnar form; and shall also show the amount to be raised by taxation. The budget shall become effective when approved by the annual budget meeting as provided in this Charter and an official copy shall be filed with the Town Clerk. Within thirty (30) days after the annual budget meeting the Town Council shall fix the tax rate in mills which shall be levied on the taxable property in the Town for the ensuing fiscal year. Upon the approval of the Town Meeting the Town Council may levy annually, at the same time as the regular annual taxes for Town expenses are levied, a tax not to exceed two (2) mills to be assessed upon the taxable property in the town for the benefit of a fund to be known as the "Capital and Non-Recurring Expenditures Fund" to be used solely to pay the cost of capital improvements. The Town Council shall have the power to transfer from time to time to this fund any portion of the general fund cash surplus not otherwise appropriated. With the exception of the Land Acquisition Trust Fund, appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrance of the appropriation.

## **SECTION 6. BUDGET TOWN MEETING**

There shall be a Town Meeting solely for the purpose of voting on the budget on the Last Tuesday of April at such polling places, as the Council shall determine. Voting at the Town Meeting shall commence at 6:00 a.m. and cease at 8:00 p.m. There shall be a separate vote on the Town budget and the Board of Education budget. Voting shall be by way of a "Yes" or "No" vote on voting machines, as that term is defined by the State Statutes, with the voting machine ballot labels provided by the Town Clerk. The Town Clerk and such assistants shall conduct and moderate the vote. The Town budget and the Board of Education budget shall be adopted separately by a majority vote of those attending and entitled to vote.

The people shall vote only to adopt the budget(s) as presented. Each budget vote shall include an advisory question relative to the budget as presented.

The adoption of the budgets shall be deemed to constitute the appropriation to each department or when so indicated in the budgets a major subdivision thereof and to each office, board, commission and agency separately listed in the budgets of the sum estimated in the budgets to be expended by each such unit respectively.

Should the Town Meeting fail to adopt a budget at the first meeting called on the Last Tuesday in April, the Town Council in conjunction with the Manager shall revise the rejected budgets in accordance with the majority results from the advisory question. A second Town Meeting to adopt the revised budgets shall be called on the Second Tuesday in May for final approval.

Should the Town Meeting fail to adopt one or both budgets after the second meeting, the Town Council in conjunction with the Manager shall revise the rejected budget in accordance with the majority results from the advisory question, which shall be deemed finally adopted by the Town Meeting and expenditures shall be made in accordance therewith. The Council may conduct such public hearings and/or informational meetings, as it may deem necessary.

Pursuant to Section 7-6 of the General Statutes, as amended, the following individuals are eligible to vote in any town meeting: any person who is an elector of the Town of Plainville and any United States citizen who is at least eighteen years of age who, jointly or severally, is liable to the Town of Plainville for taxes assessed against him or her on an assessment of one thousand dollars or more on the last completed grand list of the Town of Plainville, or who would be so liable if not entitled to an exemption as outlined in Section 7-6 of the General Statutes.

## **SECTION 7. TRANSFER OF APPROPRIATIONS**

The Town Council may transfer the whole or any part of the unencumbered balance of any appropriation, except the appropriation to the Board of Education, to any other purpose for which the Town Council may legally appropriate money provided that such a transfer may be made from budget appropriations only in the last three (3) months of the fiscal year and that there shall be attached to the ordinance making the transfer the certificate of the Manager that such transfer is necessary with the reasons therefore.

## **SECTION 8. EFFECT OF APPROPRIATION**

No money shall be expended or obligation for such expenditure incurred by any department, office, board, commission or agency of the Town except in accordance with an appropriation by the Town Council. No contract, work order, purchase order or other authorization to spend money by any department, office, board, commission or agency, except the Board of Education, shall be valid until there has been attached thereto the certificate of the Director of Finance that there is an unexpended and unencumbered balance of an appropriation applicable thereto sufficient to meet the estimated cost thereof, provided that the Board of Education shall set up its own system of budgetary control. It shall further be the duty of the Director of Finance after signing such certificate to immediately encumber the appropriation in question with such estimated cost.

#### **SECTION 9. LAPSE OF APPROPRIATIONS**

With the exception of the Land Acquisition Trust Fund, appropriations shall lapse at the end of the fiscal year for which they were made and any balance shall be credited to the general fund, provided that an appropriation for a capital outlay shall not lapse until the object for which the appropriation was made has been accomplished or no expenditure from or encumbrance of the appropriation has been made for three (3) consecutive fiscal years.

#### **SECTION 10. PURCHASING**

All supplies, materials and equipment required by all departments, offices, boards, commissions and agencies of the Town, hereafter referred to in this Chapter as buying units, except in respect to items or services that are peculiar to the Board of Education or Library Board, shall be purchased by the Purchasing Agent who until the Town Council shall otherwise determine by ordinance shall be the Manager. All purchases shall be made on requisitions describing the kind and quantity of goods or services required, provided that it shall be the duty of the Purchasing Agent at the beginning of each fiscal year to request requisitions and of all buying units to prepare and deliver to the Purchasing Agent such requisitions covering their normal requirements for the year so that wholesale purchases may be made on behalf of the Town. No requisition shall be honored unless it bears the certificate provided for in Section 8 of this Chapter.

#### **SECTION 11. PURCHASING PROCEDURE**

Purchases and contracts for services, including contracts for the construction of public works, shall be made under such rules and regulations as may be established by ordinance.

#### **SECTION 12. PAYMENT OF CLAIMS**

No payroll, bill or other claim against the Town, including those of the Board of Education, shall be paid until the same has been audited for the correctness and legality by the Director of Finance and all payments shall be made by check drawn on a Town bank account, signed by the Director of Finance and countersigned by the Town Treasurer as provided in Chapter 3 section I of this Charter. All payrolls, bills or other claims against the Board of Education shall be audited as such Board may provide. To avoid unnecessary delay in the transaction of Town business the Director of Finance and Town Treasurer shall each designate a deputy, covered by a surety bond, who may affix their respective signatures to certificates, payrolls, bills, claims and checks.

#### **SECTION 13. FEES COLLECTED BY TOWN OFFICERS AND EMPLOYEES**

All fees collected by Town officers and employees of the Town in their official capacities shall be paid into the Town treasury, provided that this shall not apply to subpoena fees.

#### **SECTION 14. BONDING OF OFFICIALS**

The Town shall purchase fidelity and/or surety bonds, in amounts deemed appropriate, for the faithful performance of the duties of the Town officials and employees. These officials and employees shall include, but not be limited to, the Town Manager, Director of Finance, Treasurer, Revenue Collector(s), Town Clerk(s) and Constables. Such bonding review and filing of bonds, shall be the responsibility of the Insurance Commission. The Insurance Commission shall annually notify the Town Council and Town Manager of the positions and amounts bonded and shall consider any recommendations which the Town Council may wish to submit.

#### **SECTION 15. PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS CHAPTER**

Any person who makes or causes to be made any payment from Town monies in violation of the provisions of this Chapter or who receives such a payment shall be jointly and separately liable to the Town for the full amount of such payment. Violation of any of the provisions of this Chapter by any officer or employee of the Town shall be ground for his removal.

#### **SECTION 16. ANNUAL AUDIT**

The Town Council shall designate annually, an independent certified public accountant or firm of independent certified public accountants to audit the books and accounts of the Town, including the Board of Education, as provided in the General Statutes.

### **CHAPTER VIII. THE MERIT SYSTEM**

#### **SECTION 1. MERIT SYSTEM ESTABLISHED**

All officers and employees in the classified service of the Town as described in section 2 below, shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

#### **SECTION 2. THE CLASSIFIED SERVICE**

The classified service shall include appointees to all positions now or hereafter created except the following: Elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions and other officers appointed by the Town Council; employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study or investigation; and, persons employed for a temporary period not exceeding three (3) months. It shall be the duty of the Manager to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. These statements shall comprise the classification plan of the Town, which shall become effective upon approval by resolution of the Town Council and which may be amended upon recommendation of the Manager, by resolution of the Town Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Town Council upon recommendation of the Manager. The Manager shall also cause to have prepared a set of personnel rules which together with

any amendments thereto shall become effective upon being approved by the Town Council and filed by the Manager with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service.

### **SECTION 3. RETIREMENT OF MUNICIPAL EMPLOYEES**

The provisions of all special acts providing for the retirement of Town employees in effect on the date of the adoption of this Charter shall continue in force as though re-enacted by this Charter but shall be subject to change as provided herein. The Town Council may provide by ordinance a system of retirement allowances for the Town's regular fulltime paid employees and for contribution by employees and the Town to a fund from which such allowance shall be paid. The Town may enter into a contract with any insurance company authorized to do business in this state for the purpose of insuring the whole or any part of its retirement plan, may elect to participate in the Connecticut Municipal Employees' Retirement Fund in the manner provided in Chapter 113 of the General Statutes, or elect to participate in the old-age and survivor insurance system under Title H of Social Security Act in accordance with the provisions of Public Act 277 of 1951.

## **CHAPTER IX. TOWN MEETINGS**

### **SECTION 1. PROCEDURE**

All Town Meetings shall be called to order by the Town Clerk, or in the Town Clerk's absence, by the Manager, or in the absence of both by the Chairperson of the Town Council. A moderator shall be elected and all business shall be conducted in the manner now or hereafter provided by the General Statutes, except as otherwise provided in this Charter. It shall be the duty of the Town Clerk to serve as clerk of all Town Meetings but in the Town Clerk's absence an acting clerk may be designated by the meeting.

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

### **SECTION 1. TRANSFER OF POWERS**

The powers which are conferred and the duties which are imposed upon any commission, board, department or office under the General Statutes or special acts concerning the Town, or any ordinance or regulation in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by this Charter, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All commissions, boards, departments or offices abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this Charter and until the Town Clerk shall have notified the members of such commissions, boards, departments or offices as are abolished by this Charter that their successors have been appointed.

### **SECTION 2. TENURE RIGHTS**

Any person holding an office or position in the classified service of the Town when this Charter takes effect who shall have served in such position for a period of at least three (3) months shall be retained without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this Charter. Other persons in the Town service at the time this Charter takes effect shall be regarded as holding their positions under provisional appointments.

### **SECTION 3. TRANSFER OF RECORDS AND PROPERTY**

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

### **SECTION 4. CONTRIBUTIONS**

No contribution by the Town of more than five hundred (\$500) dollars in cash shall be made to any organization or private corporation unless included in the budget. In kind contributions to town-sponsored, charitable, or non-profit organization events shall be exempt from this provision with Town Council approval.

### **SECTION 5. LEGAL PROCEEDINGS**

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

### **SECTION 6. EXISTING LAWS AND ORDINANCES**

As of the effective date of this Charter all General laws and Special Acts applying to the town, all ordinances and bylaws of the town, and all rules and regulations of commissions, boards, departments and agencies of the town shall continue in force, except insofar as they are inconsistent with the provision of this Charter, until they are amended or repealed by ordinance of the council or the appropriate body having jurisdiction. All Special Acts or part of acts relating to the Town inconsistent with the provisions of this Charter are repealed. This Charter shall be reviewed no less than once every ten (10) years and may be amended in accordance with the provisions of the General Statutes.

### **SECTION 7. AMENDMENT OF CHARTER**

Any amendment to the Charter shall be made in accordance with the provisions of Section 7-191 of the General Statutes of Connecticut, or any amendments thereto.

## **SECTION 8. ETHICS**

There shall be a Code of Ethics governing the conduct of elected and appointed officers and employees of the Town of Plainville which the Town Council shall, by ordinance, provide.

## **SECTION 9. GENDER**

Any reference to gender shall be applicable to both the masculine and feminine genders.

## **SECTION 10. SAVING CLAUSE**

If any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which section or part of section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply. Effective October 5, 1959 Amended November 15, 1961 Amended October 4, 1965 Amended November 5, 1968 November 8, 1988 November 4, 2003 November 2, 2004 November 7, 2006, November 6, 2012 Charter Revision Changes.