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# WINCHESTER TOWN CHARTER

## ARTICLE I INCORPORATION

### Section 101. INCORPORATION

All the inhabitants dwelling within the territorial limits of the Town of Winchester as the same now are or may hereafter be established by law shall constitute forever hereafter to be a body politic and corporate under the name of the "Town of Winchester", hereinafter called the Town, and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the general laws of the State of Connecticut.

### Section 102. FORM OF GOVERNMENT

- A. Legislative Body.** The legislative body of the Town shall be a combination of a Town Meeting and a Board of Selectmen, comprised of seven electors of the Town. Each body shall have such powers as the Charter herein prescribes.
- B. Chief Executive Office.** The Chief Executive Officer of the Town shall be a Town Manager, referred to herein as "Manager", appointed by the Selectmen, who shall have such powers and duties as the Charter herein prescribes.
- C. Mayor.** The First Selectman of the Town shall also bear the title of "Mayor" and shall have such duties and powers as the Charter herein prescribes.
- D. Exercise of Power.** All powers of the town shall be exercised in the manner prescribed by the Constitution of the State of Connecticut, by the General Statutes, or by this Charter; or, if the manner is not so prescribed, then in such manner as may be prescribed by resolution or ordinance.
- E. Alternate Designation as Winsted.** Any board, commission or agency of the Town may, with consent of the Board of Selectmen, use the appellation "Winsted" which, when so used, shall be considered as synonymous with "Town of Winchester".

### Section 103. RIGHTS AND OBLIGATIONS

By virtue of this Charter said Town shall be absolutely vested with, possess and enjoy all lands, tenements, hereditaments, property and rights, chooses in action and estates, which at the effective date of this Charter were vested in said Town. The said Town shall continue to be liable for all debts and obligations of every kind for which said Town shall have been 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 for the construction, alteration or repair of any sewer, pavement, sidewalk curb or gutter, or for any other public improvement or service. If any contract has been entered into by said Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said Town which contains provision that the same may be enforced by any officer, board, commission, bureau or department therein named, which is hereby abolished, such contract, bond or undertaking 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 such officer, board, commission, bureau or department shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Board of Selectmen.

### Section 104. POWERS OF THE TOWN

In addition to all powers granted to towns under the Constitution and the Connecticut General Statutes, the Town shall have all powers specifically granted by this Charter and Sections 7-148 and 7-194, of the Connecticut General Statutes as may be from time to time amended, and all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter contracts with the United States, State of Connecticut, or any political subdivision thereof for services, funds, and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and general law of the State of Connecticut. Further, the Town shall have the power to manage, regulate, and control the finances and property, real and personal, of the Town and to regulate and provide for the sale, conveyance, transfer and release of town property, and to provide for the execution of contracts and evidences of indebtedness issued by the Town. The enumeration of particular powers in this and any other section of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

### Section 105. EXECUTION OF INSTRUMENTS

All contracts, deeds, bonds and other instruments requiring assent of the Town shall be signed by the First Selectman or Town Manager as designated by resolution of the Board of Selectmen.

### Section 106. EXISTING ORDINANCES

All by-laws, ordinances, rules and regulations of the Town of Winchester in force on the date of the adoption of this Charter, which are not inconsistent with the provision of this Charter, shall be and remain in full force and effect as the by-laws, ordinances, rules, and regulations of the Town of Winchester. They shall be in force until they are altered, amended, or repealed as provided by this Charter. All powers, rights and duties vested in and imposed upon the officers, boards, commissions, departments and agencies of the Town of Winchester, by said by-laws, ordinances, rules, and regulations are hereby vested in and imposed upon the corresponding officers, boards, commissions, departments and agencies of the Town of Winchester provided for by this Charter.

## ARTICLE II ELECTIONS

### Section 201. ELECTION DAY

All elections for town officers shall be held on the Tuesday after the first Monday in November of each odd numbered year.

### Section 202. ELECTIVE OFFICERS

At each state election, there shall be elected two (2) Registrars of Voters.

At each town election, there shall be elected the following:

- A. Board of Selectmen.** Seven (7) Selectmen, each for a term of two (2) years.
- B. Town Clerk.** A Town Clerk for a term of two (2) years or such period as may be specified by the General Statutes.
- C. Constables.** Four (4) constables, each for a term of two (2) years.
- D. Board of Education.** There shall be a Board of Education consisting of nine (9) members to be elected as follows:
  - i. At the biennial election to be held in 1987, there shall be elected four (4) members for a term of four (4) years.
  - ii. At the biennial election to be held in 1989, there shall be elected five (5) members, each for a term of four (4) years.
  - iii. Thereafter, there shall be elected for terms of four (4) years at each biennial election that number of members necessary to replace the members whose terms expire, each for the term of four (4) years from the date of election.

**Section 203. TERMS OF ELECTED OFFICERS**

The terms of elected office shall be from the date elected until the successor shall be elected and qualified, except that the Town Clerk shall hold office for two (2) years from the first Monday of January succeeding the election until his successor shall be elected and qualified, and the Registrars of Voters shall hold office for the term of two (2) years from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the third January succeeding their election.

**Section 204. POWERS OF ELECTED OFFICERS**

All elected officers shall have the powers as vested in them by the Connecticut General Statutes unless specifically provided otherwise by this Charter.

**Section 205. MINORITY REPRESENTATION**

Minority representation on any elective or appointive board, council, commission, committee or similar body of the Town shall be determined in accordance with the provisions of Section 9-167a of the General Statutes, Revision of 1958, as amended. As provided in said Section, the maximum number on any such board, commission, committee or similar body who may be members of the same political party shall be as specified in the following table:

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

**Section 206. QUALIFICATIONS**

All elective officers shall be residents and electors of the Town, and if any such officer at any time shall cease to be a resident of the Town, his office shall be vacated.

**Section 207. VOTES NECESSARY FOR ELECTION**

For each elective office, the officer or officers who shall receive the greatest number of votes shall, subject to Section 205 above, and subject to the provisions of the Connecticut General Statutes, be declared elected.

**Section 208. TIE VOTES**

Whenever there shall be a tie vote for any office, a new election for such office shall be held on the ensuing third Tuesday of November and only those candidates whose votes were tied shall then be voted for.

**Section 209. VACANCIES IN ELECTIVE OFFICES**

Vacancies in municipal offices, from whatever cause arising, shall be filled according to the provisions of Connecticut General Statutes Section 9-220 and 10-219 as may from time to time be amended.

**Section 210. NOMINATION OF CANDIDATES**

The mode of nomination of candidates for all elective offices of the town shall be in accordance with the General Statutes.

**Section 211. WITHDRAWAL OF NOMINATION**

Any person whose name has been presented pursuant to the provisions of this Article as a nominee for any office, may, not later than fifteen (15) days before the election for which he is nominated, cause his name to be withdrawn from nomination, in accordance with the General Statutes.

**Section 212. MODERATORS**

At meetings for the election of officers, the moderators shall be chosen by the Registrar of Voters in the manner prescribed by the General Statutes.

**ARTICLE III  
BOARD OF SELECTMEN**

**Section 301. POWERS OF SELECTMEN**

Unless limited by this Charter or by the Connecticut General Statutes, the Board of Selectmen shall by resolution or ordinance exercise all powers conferred by Section 7-194 of the Connecticut General Statutes (as may be amended from time to time) upon towns and shall by ordinance or resolution, specifically have the power:

- A. To regulate the manner of warning meetings of said Board of Selectmen, and the times and places of holding its meetings, not otherwise provided in this Charter, or required by the Connecticut General Statutes, and to prescribe the order of business of such meeting;
- B. To provide the mode of keeping the accounts of said Town, and auditing the same;
- C. To adjust claims against said Town;
- D. To defend actions against said Town;
- E. To prosecute in the name of said town any proper action upon any contract or liability in which said town may be interested; and for all fines, penalties, costs and expenses imposed by this Charter, or by any ordinance or by-law of the town, and to enforce the collection thereof;
- F. To define the duties of all officers and employees of said Town, when not expressly fixed and defined by the provisions of this Charter;

- G. To prescribe the amount of bonds to be given by the several Town Officers;
- H. To confer upon the several Town Officers all proper authority to enable them to execute and discharge their powers and duties;
- I. To organize and regulate a volunteer fire department and to provide for the enlistment of fire companies and for the equipment, regulation, and control of fire companies;
- J. To procure and maintain suitable and proper fire apparatus;
- K. To provide hydrants at such points as they may deem expedient;
- L. To provide a suitable supply of water for fire purposes;
- M. To lay out, alter, establish, and make highways, streets, parks, public grounds, walks, gutters, and to repair and keep the same open and safe for public use and travel and free from encroachment and obstruction;
- N. To provide for and regulate public lights, lamps, and lamp posts and the location thereof;
- O. To prosecute all condemnation proceedings concerning the acquisition of property or property rights on behalf of the Town in accordance with the provisions of the Connecticut General Statutes; and
- P. To regulate and control abandoned and unregistered boats and motor vehicles.

### **Section 302. ORDINANCES**

In addition to the powers set forth in Section 301, the Board of Selectmen shall have the power to enact, amend, or repeal ordinances for the preservation of good order, peace, health and safety of the town and its inhabitants, so long as such ordinances are not inconsistent with this Charter or the General Statutes of the State; and, not limiting the powers of the foregoing, the Board of Selectmen shall specifically have the power to ordain the following:

- A. Boards and Commissions.** The Board may create or abolish boards, commissions, departments and offices, other than those established by this Charter.
- B. Penalties.** The Board may prescribe in such by-laws and ordinances, penalties and fines for breach of the same as they may deem proper, not exceeding \$100.00 for any one offense, imprisonment not to exceed thirty days, or both.
- C. Governmental Contracts.** The Board of Selectmen may, upon recommendation of the Manager, contract for services and the use of facilities of the United States or the State of Connecticut for any political subdivision thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities, in which case, departments and offices created by this Charter, the functions of which are transferred into the terms of said contract, or agreement may, by ordinance, be abolished.
- D. Regulation of Boards.** The Board of Selectmen may regulate the internal operation of boards, commissions and officers which it fills by appointment, the Registrars of Voters, the Town Clerk, and the offices and employees appointed by it.
- E. Charges and Fees.** The Board of Selectmen may set charges or fees to be made for services by the town, or for the execution of powers vested in the Town as provided in this Charter.

### **Section 303. ENACTMENT OF ORDINANCES**

Before the enactment, amendment or repeal of any by-law or ordinance, the Board of Selectmen shall cause to be published on the Town's website, a notice setting forth the subject matter of the proposed ordinance. Said notice shall be published for at least 14 days before the enactment, amendment, or repeal of the ordinance. The notice shall be simultaneously filed with the Town Clerk who shall make the notice available for public inspection. After the board has enacted, amended, or repealed any ordinance, said ordinance shall become operative fifteen (15) days after the entire text of the same shall have been published on the Town's website. The notice shall be simultaneously filed with the Town Clerk who shall make the notice available for public inspection. Any ordinance made by the Board of Selectmen may be amended, or repealed by them in the manner in which by-laws or ordinances are enacted. The form of all by-laws and ordinances shall be as follows: "Be it ordained by the Board of Selectmen of the Town of Winchester, Connecticut".

### **Section 304. ENFORCEMENT OF ORDINANCES**

In enforcing ordinances passed by the Board of Selectmen in any complaint or information instituted pursuant to the provisions of this Charter, it shall not be necessary to recite at length the by-law or ordinance for the breach of which such complaint or information is instituted, but it shall be a sufficient description of the offense for such complaint or information to set forth the act complained of and to allege the same to have been done contrary to the ordinances of the Town of Winchester in such case provided.

### **Section 305. TOWN MEETING ON REFERENDUMS, ORDINANCES AND RESOLUTIONS**

- A. At any time prior to the effective date of any ordinance or resolution adopted by the Board of Selectmen, the electors of the Town shall have the power to approve or reject such ordinance or resolution as herein provided.
- B. A petition seeking the approval or rejection of such ordinance or resolution may be filed by an elector of the Town with the Town Clerk, and, except as provided herein, such petition shall conform to the requirements of Connecticut General Statutes Section 7-9, as amended. Said petition shall contain the full text of the ordinance or resolution, shall request the reference of such ordinance or resolution to the electors of the Town, and shall be signed in ink or indelible pencil by qualified electors of the Town in a number equal to five (5) percent or more of the total number of the qualified electors of the Town appearing on the latest effective official list of the Registrar of Voters. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided for under Connecticut General Statute Section 7-9, as amended.

The petition shall be filed with the Town Clerk, who shall within fifteen (15) days or within such time period as may be set by the Connecticut General Statutes determine whether the petition and the affidavits to be sufficient by comparing the names of the electors appearing thereon with the latest effective official list of the Registrar of Voters. Upon the filing of such petition with the Town Clerk, the effective date of such ordinance or resolution shall be postponed to the certification by said Town Clerk that the petition is not sufficient or to

the certification of the results of such referendum. If the Town Clerk determines the petition and the affidavits to be sufficient, said Town Clerk shall so certify said petition to the Board of Selectmen at its next regular meeting. After receipt of such certification, the Board of Selectmen shall submit such petition to the electors at a Special Town Meeting, which said Board must call, to be held not less than thirty (30) days nor more than forty-five (45) days after receipt of such certified petition by said board. A majority vote of the electors to repeal any such ordinance or resolution shall not become effective unless a total of at least five (5) percent of the electors entitled to vote on the questions shall have voted.

- C. When it is proposed to undertake any public work or improvement, purchase any implement or machinery, construct any building or buildings or appurtenances thereof, or additions thereto, or any ordinance or resolution proposing a special appropriation, which action involves the expenditures of any amount exceeding nine one hundredths of one percent (0.09%) of "Total Expenditures" in the latest approved town budget in any fiscal year and which exceeds the amount provided for in the budget or for which an appropriation has not been included in the budget, such expenditure shall not be made or undertaken until the same has been submitted to the electors of the Town at Special Town Meeting for purposes of calling a referendum. Said referendum shall be held on a date within one (1) week of said Special Town Meeting. Such expenditure shall not be made or undertaken until the same shall have been approved by the electors of the Town by vote at said referendum.
- D. The following ordinances and resolutions are specifically exempted from electoral challenge as set forth in this Section: a resolution fixing the tax rate; a resolution making an appointment or removal; an ordinance making a special appropriation of less than nine one hundredths of one percent (0.09%) of "Total Expenditures" in the latest approved town budget in any fiscal year; any emergency ordinances as defined in this Charter.
- E. **Form of Petition for Referendum.** The form of petition for referendum shall be as follows:

Warning: All signatures shall be in ink or indelible pencil.

We, the undersigned electors of the Town of Winchester, hereby present this petition under the provisions of the Charter of the Town of Winchester [here insert the words "requesting the repeal of", or "requesting the approval of"] the following resolution [here insert the text of the resolution], and we certify that we are electors of the Town of Winchester residing at the addresses set opposite our names and that we have not signed this petition more than once. (Here follow the signatures and addresses.)

<u>Signature</u>	<u>Number</u>	<u>Street</u>
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- F. **Form of Affidavits of Circulators to Accompany All Petitions.** The affidavit of the circulators of any petition which shall accompany such petition shall be in the following form:

\_\_\_\_\_ County, State of Connecticut [here insert name and residence of the circulator of the petition], being duly sworn, depose and say that he is an elector of the Town of Winchester, and that he is the circulator of the foregoing petition containing [here insert the number of signatures on such petition] signatures, that each person whose signature appears on this page signed the same in person in my presence, that I either know each such signer or that such signer satisfactorily identified himself or herself to me, that they are the signatures of the persons whose names they purport to be, and that all the signatures on said page(s) were obtained not earlier than six (6) months prior to the filing of said petition.

Signed \_\_\_\_\_  
Circulator

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

### Section 306. INITIATIVE

- A. The electors of the Town, acting at a Special Town Meeting, shall have the power to propose to the Board of Selectmen any ordinance, except for the following: Any ordinance appointing or removing officials or employees of the Town; specifying the compensation or hours of work of officials or employees of the Town; adopting the annual budget; authorizing the levy of taxes; fixing the tax rate.

Any such petition may be filed by an elector of the Town with the Town Clerk, and, except as provided herein, such petition shall conform to the requirements of Connecticut General Statute Section 7-9, as amended. Said petition shall contain the full text of the ordinance proposed and shall be signed in ink or indelible pencil by qualified electors of the Town in a number equal to two (2) percent or more of the total number of the qualified electors of the Town appearing on the latest effective official list of the Registrar of Voters. Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided for under Connecticut General Statute Section 7-9.

The petition shall be filed with the Town Clerk, who shall, within fifteen (15) days or within such time period as may be set by the Connecticut General Statutes, determine whether the petition and the affidavits are sufficient by comparing the names of the electors appearing thereon with the latest effective official list of the Registrar of Voters, and if they shall be sufficient he shall so certify said petition to the Board of Selectmen at its next regular meeting. The Board of Selectmen shall within sixty (60) days after receipt of such certified petition either adopt the proposed ordinance after a public hearing, or submit the same to the electors at a Special Town Meeting to be held within ninety (90) days from the date of the Town Clerk's certification, provided that if a General Election or Town Election is to occur within four (4) months of such certification, the ordinance may be submitted at such election. The ordinances shall be adopted if a majority of those vote in favor of the ordinance and such majority consists of four (4) percent or more of the total number of



qualified electors of the Town, as determined by the latest effective official list of the Registrar of Voters.

- B. Form of Petition For Initiative.** The form of petition for initiative shall be as follows:

Warning: All signatures shall be in ink or indelible pencil.

We, the undersigned electors of the Town of Winchester, hereby present this petition under the provisions of the Charter of the Town of Winchester initiating the following ordinance, [here insert the text of the ordinance], and we certify that we are electors of the Town of Winchester residing at the addresses set opposite our names and that we have not signed this petition more than once. (Here follows the signatures and addresses.)

<u>Signature</u>	<u>Number</u>	<u>Street</u>
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- C. Form of Affidavits of Circulators to Accompany All Petitions.** The affidavit of the circulators of any petition which shall accompany such petition shall be in the following form:

\_\_\_\_\_ County, State of Connecticut [here insert name and residence of the circulator of the petition], being duly sworn, depose and say that he is an elector of the Town of Winchester, and that he is the circulator of the foregoing petition containing [here insert the # of signatures on such petition] signatures, that each person whose signature appears on this page signed the same in person in my presence, that I either know each such signer or that such signer satisfactorily identified himself or herself to me, that they are the signatures of the persons whose names they purport to be, and that all the signatures on said page(s) were obtained not earlier than six (6) months prior to the filing of said petition.

Signed \_\_\_\_\_  
Circulator

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

### **Section 307. 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 of the Board, 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 Board of Selectmen by an affirmative vote of not less than five of its members may appropriate, notwithstanding any other provision of this Charter, a sum not to exceed Five Hundred Thousand Dollars (\$500,000.00) in any one fiscal year. Every such emergency ordinance including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following passage of said ordinance.

### **Section 308. ROBERT'S RULES OF ORDER**

Subject to the provisions of this Charter, the Board of Selectmen shall follow Robert's Rules of Order and shall designate a parliamentarian.

### **Section 309. MEETINGS**

- A. First Meeting.** The first meeting of the Board of Selectmen shall be held at 10:00 a.m. the morning next following their election.
- B. Regular Meetings.** Regular meetings shall be held twice in each month on dates to be fixed by ordinance, at which meetings any elector, property owner, or resident of said Town may appear and be heard as to any business of said Town.
- C. Special Meetings.** The First Selectman shall have the power to call a special meeting of the Board of Selectmen at any time and he shall call such special meeting whenever requested to do so by two members of said Board. The call for such special meeting shall be served upon or mailed to each member of said Board at least twenty-four (24) hours before the hour of the meeting; but the lack of a call or the insufficiency of the server shall not invalidate any meeting of the Board when all members shall be present and none of them objects to such lack of service.
- D. Voting at Meetings.** At any meeting of said Board, any member may demand an "aye" and "nay" vote on any question to be voted upon and such vote shall be recorded in the minutes of the Clerk.
- E. Quorum.** Four (4) members of said Board shall constitute a quorum for the transaction of any business.
- F. Adjournment.** All meetings of said Board may be adjourned from time to time as said Board may determine.
- G. Clerk.** The Town Clerk, in addition to powers and duties provided in the Connecticut General Statutes, shall be the Clerk of the Board of Selectmen. Within ten (10) days after each meeting of the Board of Selectmen he shall prepare and have available in his office for public inspection the minutes of any such proceedings, including the vote of each member upon any issue before the Board of Selectmen as required by the Connecticut General Statutes. Said minutes shall be presented to the Board of Selectmen for approval at the next meeting of the Board of Selectmen. Within twenty-four (24) hours following approval of the minutes by the Board of Selectmen, the Clerk shall record said minutes in a record book and shall certify said minutes to be a true and accurate record. Such record book shall be available for public inspection in the office of the Town Clerk at all reasonable times. The Board of Selectmen may furnish the Town Clerk the necessary secretarial assistance to perform the duties prescribed by this section and fix the compensation therefor.

### **Section 310. ANNUAL SALARY**

The annual salary of each selectman and the mayor shall be One Thousand Dollars (\$1,000.00) and One Thousand Five Hundred Dollars (\$1,500.00) respectively.

### **Section 311. CONFLICT OF INTEREST**

No member of the Board of Selectmen during the term of office for which he is elected and for two (2) years thereafter, shall be appointed to any office of profit under the government of the Town of Winchester.

### **Section 312. AUTOMATIC VACANCY**

The office of any Selectman failing to attend three (3) consecutive regular meetings shall be declared vacant unless such failure is due to reasons of health, or for any other legitimate reasons, or unless he shall be excused by a majority of the Board.

### **Section 313. SPECIAL TOWN MEETING**

The Board of Selectmen may call a Special Town Meeting for purposes of a referendum or initiative or for any purpose not inconsistent with the provisions of this Charter.

At any town meeting, the Mayor shall preside unless a moderator is designated by a majority vote of the Board.

At any Special Town meeting where a resolution is introduced to authorize the issuance of any bonds or notes, the meeting shall be adjourned after an opportunity for discussion of such resolution to a referendum to be held on a date within one (1) week thereafter. The referendum shall be conducted according to the provisions of Chapter 90 of the General Statutes.

### **Section 314. PRESERVATION OF PEACE**

The Board of Selectmen shall have the power to preserve the peace in said town, and may suppress all tumults and riots by force if necessary; and may at all times require, in the performance of said duty, the aid of any sheriff, constable, or policeman, or all of them together, or of any of the legal voters of said town, and may call upon the Governor for the assistance of the State Militia.

### **Section 315. APPOINTMENTS BY THE BOARD OF SELECTMEN**

In addition to the appointment of Town Manager pursuant to Section 501, the Board of Selectmen shall also appoint by an affirmative vote of a majority of the total membership of the Board of Selectmen.

- A. A Town Attorney**, to be appointed within ninety (90) days of each biennial election who shall hold office at the pleasure of said Board. The Board of Selectmen may further appoint at any time, one or more Special Attorneys, each to serve at the pleasure of said Board.
- B. A Park and Recreation Board** consisting of nine (9) to thirteen (13) members each to serve for a term of not more than six (6) years. Terms shall expire in the month of April.
- C. A Board of Tax Review** consisting of three (3) members each for a term of not more than three (3) years. Terms shall expire in the month of October.
- D. An Economic Development Commission** consisting of seven (7) regular members and four (4) alternate members each for a term of not more than five (5) years. Terms shall expire in the month of April.
- E. A Zoning Board of Appeals** consisting of five (5) members and three (3) alternate members each for a term of not more than five (5) years. Terms shall expire in the month of December.
- F. Water Pollution Control Authority** consisting of five (5) members each to serve for a term of not more than five (5) years. Terms shall expire in the month of June.

- G. Inland Wetlands Commission** consisting of nine (9) members each to serve for a term of not more than three (3) years. Terms shall expire in the month of April.
- H. Winchester Housing Authority** consisting of five (5) members to serve as set forth in the Connecticut General Statutes. Terms shall expire in the month of April.
- I. Planning and Zoning Commission** consisting of five (5) members and three (3) alternate members each to serve for a term of not more than five (5) years. Terms shall expire in the month of October.
- J. A Fire Chief** solely upon the recommendation of the Fire Department, to serve a term of not more than five (5) years. Terms shall expire in the month of September.
- K. An Ethics Commission** consisting of five (5) members each to serve a term of not more than three (3) years. Terms shall expire in January.

The Board of Selectmen shall fill any vacancy in any such office for the unexpired portion of their term, except that the Town Manager shall fill vacancies on the Economic Development Commission. Members of either the Planning and Zoning Commission or the Zoning Board of Appeals must also be an elector of the Town of Winchester. Other than members of the Planning and Zoning Commission, the Zoning Board of Appeals, and the Town Attorney, all appointments to offices and Commissions under this section shall be residents of the Town.

### **Section 316. REPORTS OF BOARDS AND COMMISSIONS**

The Board of Selectmen shall require and receive annually, plans of action from various town boards and commissions; and shall have general supervisory control over the coordination of action by various commissions. The Board of Selectmen shall authorize and provide for the training of individual members of the various town boards and commissions in order to permit them to effectively carry out the stated purposes of each such board or commission. The Board of Selectmen shall appropriate sufficient funds for such training as it deems necessary.

## **ARTICLE IV FIRST SELECTMAN**

### **Section 401. ELECTION**

The Board of Selectmen shall, at its first meeting as herein provided, choose by ballot one of its members who shall be the First Selectman of said town for the two years next ensuing and shall also bear the title of Mayor.

### **Section 402. POWERS AND DUTIES**

The First Selectman shall perform such duties as are imposed upon him by the General Statutes, except as otherwise provided by this Charter, and by the ordinances or by-laws of the Town of Winchester as provided in this Charter. Notwithstanding Robert's Rules of Order, at all meetings of the Board of Selectmen where the First Selectman shall so preside he shall be entitled to vote upon all matters and things.

### **Section 403. SECOND SELECTMAN**

The Board of Selectmen shall, at its first meeting as herein provided, designate one of its members to be Second

Selectman, who shall have the powers and discharge the duties of the First Selectman during the absence of the latter from Town or during his inability to perform the duties.

## **ARTICLE V TOWN MANAGER**

### **Section 501. APPOINTMENT**

The Board of Selectmen shall appoint a Town Manager who shall be the Chief Executive Officer of the Town to serve at the pleasure of the Board of Selectmen and who shall be chosen exclusively on the basis of his executive and administrative qualifications, character, education, training and experience. At the time of his appointment, said Manager need not be a resident of the Town of Winchester or of the State of Connecticut.

### **Section 502. COMPENSATION**

The compensation of the Town Manager shall be fixed by the Board of Selectmen and shall not be decreased except at the beginning of a fiscal year of the Town by a vote of the Board taken at least one (1) month prior to that date.

### **Section 503. RESIDENCE**

Repealed November 2, 2010.

### **Section 504. NO OTHER EMPLOYMENT**

The Town Manager shall devote his full time to the duties of his office and shall hold no other employment, without consent of the Board of Selectmen.

### **Section 505. VOLUNTARY TERMINATION**

The Town Manager shall give the Board of Selectmen thirty (30) days advance notice upon the voluntary termination of his employment.

### **Section 506. REMOVAL**

The Town Manager shall be removed, as herein provided, by at least five Selectmen each voting in the affirmative. The Board of Selectmen shall adopt a resolution stating its intention to remove the Town Manager at least thirty (30) days before the proposed removal. A copy of the resolution shall be served forthwith on the Town manager who may, within ten (10) days, demand a public hearing, in which event the Manager shall not be removed until such public hearing has been held. Upon the passage of such a resolution, the Board may suspend the Manager from duty, provided the salary of the Town Manager shall continue until the removal from office; and in the event of such removal the Town Manager shall be given termination pay equivalent to one (1) month's salary.

### **Section 507. ACTING TOWN MANAGER**

- A. During the period of vacancy, suspension, or disability in excess of two (2) weeks, in the office of Town Manager, the Board shall appoint by resolution a person, other than a Selectman, as Acting Manager to have all the powers and duties of the Town Manager provided for herein, and to serve for a period not to exceed six (6) months.
- B. The Town Manager may designate a department head as Acting Town Manager to serve as Town Manager, except in matters of appointments and removals, for a period not to exceed two (2) weeks, during the period of the Town

Manager's temporary absence or disability. Appointments and removals shall be made by a majority of the Board of Selectmen acting in accordance with the provisions of this Charter.

- C. In the event the Town Manager fails to make such designation the Board may by resolution appoint an Acting Town Manager to perform all the duties of Town Manager, except in matters of appointments or removal, for a period not to exceed six (6) months, during the period of the Town Manager's temporary absence or disability.

### **Section 508. TIME FOR FILLING VACANCY**

Whenever there shall be a vacancy in the office of Town Manager for any reason the Board of Selectmen shall appoint a Town Manager as successor within one hundred eighty (180) days after such vacancy occurs.

### **Section 509. DUTIES**

The Town Manager shall have the following duties, which the Board of Selectmen shall not diminish by ordinance, vote or otherwise, except those powers and duties imposed on him by the Board under the following provisions of this section:

- A. Be directly responsible to the Board of Selectmen for the administration of all departments, agencies, offices and boards appointed by the Town Manager and shall supervise and direct the same;
- B. See that all laws and ordinances governing the town are faithfully executed; make periodic reports to the Board and shall attend its meeting with full right of participation in its discussion, but without a right of vote;
- C. Prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual town report;
- D. Recommend to the Board such measures as he may deem necessary or expedient;
- E. Keep the Board fully advised as to the financial condition of the Town;
- F. Prepare and submit to the Board an annual budget; and
- G. Exercise such other powers and perform such other duties as may be required of him by ordinance or resolution of the Board not inconsistent with this Charter.

### **Section 510. APPOINTMENTS**

The Town Manager shall appoint all department heads and other officers and employees of the Town except as otherwise specifically provided by this Charter and except employees in the offices of elected officials and Boards, and officers and Boards appointed by the Board of Selectmen. In lieu of any appointment by the Town Manager or any of his appointees to any office under his jurisdiction, the Town Manager may, subject to the approval of the Board, perform the duties of any office under his jurisdiction except those of the Town Treasurer and Finance Director, provided, in case the Town Treasurer is absent or unable to act, the Town Manager may countersign checks.

### **Section 511. NON-INTERFERENCE**

Neither the Board of Selectmen nor any of its committees or members shall dictate the appointment of any person to office or employment by the Manager, or in any manner interfere with the Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of investigation

the Board of Selectmen and its members shall deal with the administrative service only through the Manager and neither the Board nor any members thereof shall give orders to any subordinate of the Manager, either publicly or privately.

## **ARTICLE VI OFFICERS AND BOARDS DIRECTLY RESPONSIBLE TO THE BOARD OF SELECTMEN**

### **Section 601. BOARD OF TAX REVIEW**

There shall be a Board of Tax Review which shall consist of three (3) members. The Board of Selectmen shall, each October, appoint one (1) member to the Board of Tax Review for a term of three (3) years. Said Board of Tax Review shall have the same powers and duties and shall, in equalizing and adjusting valuations assessment lists, proceed in all respects as though elected by ballot for and on behalf of the Town of Winchester. Any member of the Board of Tax Review may be removed from office by the Board of Selectmen for cause after hearing but, in case of such removal, the Selectmen shall cause to be recorded in the records of said Board a statement of the reasons therefor.

### **Section 602. ECONOMIC DEVELOPMENT COMMISSION**

There shall be an Economic Development Commission which shall consist of seven (7) regular members and four (4) alternate members who shall be appointed by the Board of Selectmen. Both the regular members and alternate members shall serve for terms of five (5) years and shall be appointed so that no more than three (3) regular terms or one (1) alternate term shall expire in any one year. The first alternate members' terms shall be appointed respectively for one (1), two (2), three (3) and four (4) years. Any vacancy in the membership of the Commission shall be filled for the unexpired portion of the term by the Town Manager. The members of the Commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties. The Commission may appoint employees necessary for the discharge of its duties. The Economic Development Commission shall exercise all powers set forth in Chapter 97 of the Connecticut General Statutes. The Economic Development Commission is further designated as the Development Agency of the Town of Winchester and shall exercise all the powers granted to such agencies as set forth in Chapter 132 of the Connecticut General Statutes. All actions taken by the Economic Development Commission prior to the effective date of this Charter are hereby ratified.

### **Section 603. PARK AND RECREATION BOARDS**

**A. Membership.** There shall be a Park and Recreation Board, hereinafter the "Recreation Board", which shall consist of not fewer than nine (9) members nor more than thirteen (13) members appointed by the Board of Selectmen. A member of the Board of Selectmen, the superintendent of the town schools, the principal of the parochial school, and the principal of the Gilbert School shall be ex-officio members.

Members shall serve for terms of six (6) years or until their successors are appointed except that the members of such Recreation Board first appointed shall be appointed for such terms that the terms of one-third of the members shall expire every two (2) years thereafter. Any vacancy

occurring otherwise than by expiration of term shall be filled by the Selectmen for the unexpired portion of the term. The members shall serve without compensation.

- B. Rules and Regulations.** Members of the Recreation Board shall elect their own chairman and secretary and all other necessary officers, each to serve for a period of one year. The Recreation Board shall have power to adopt rules and regulations for the conduct of all business within its jurisdiction. A majority of the members shall constitute a quorum for the transaction of business.
- C. Powers.** The Recreation Board shall have power and authority to establish, maintain and conduct playgrounds, swimming pools, baths, bathing beaches, gymnasiums, recreation places, and public gardens and provide for entertainments, concerts and celebrations. It may use for these purposes any ground or building which the Board of Selectmen or Board of Education may from time to time, provide, acquire, authorize, offer, designate or set apart for such use by the Recreation Board. Said Recreation Board shall have the power, with the consent of the Board of Education and the trustees of Gilbert School likewise to use the school grounds, buildings or other facilities which may be offered either temporarily or permanently for playground and recreational purposes; and may receive donations and gifts from individuals, corporations or others for equipment, improvement, maintenance or supervision. Nothing contained in this paragraph shall be construed as taking away any powers of the Selectmen to establish, maintain, and conduct public parks, playgrounds, bathing beaches and other recreation places.
- D. Expenditures.** All expenses incurred by the Recreation Board for the aforesaid purposes shall be payable from Town appropriations and from any private gifts that may be received. The Funds appropriated shall be credited to the Recreation Board account and may thereafter be expended by the Recreation Board with the approval of the Selectmen for the purposes enumerated above. Said Recreation Board, however, shall not expend or enter into any contract by which the Town shall become liable for any sum which shall exceed the total appropriation and credit.

### **Section 604. ZONING BOARD OF APPEALS**

There shall be a Zoning Board of Appeals of the Town of Winchester, which shall consist of five (5) regular members and three (3) alternate members, also referred to as "the panel of alternates". All members of this board shall be electors of the Town of Winchester and shall not be members of the Planning and Zoning Commission and shall hold no salaried municipal office. Such Board shall be appointed by the Board of Selectmen, terms of members shall be for five (5) years. Terms of office shall be staggered so that no more than one (1) regular term and one (1) alternate term shall expire in any one year. Members serving as of the effective date of this Charter shall continue to serve the remainder of their existing term. Said Board shall have those powers and duties conferred and imposed upon such Board by the Connecticut General Statutes. Members shall serve without compensation.

### **Section 605. WATER AND SEWER COMMISSION**

**A. Membership.** The Commission shall consist of five (5) electors of the Town of Winchester who shall be appointed by the Board of Selectmen and serve without

compensation. The Term of each member shall be five (5) years. Members shall be appointed so that one (1) term expires at the end of each year. Whenever a vacancy occurs, the Selectmen shall appoint a successor to hold office for the unexpired portion of the term. A Commissioner shall continue in office until his successor is appointed. The Commission shall elect a chairman from among its own members at the first meeting and annually thereafter at the first meeting held after the first day of July in each year. The Commission shall appoint a clerk who need not be a member of the Commission, and may appoint an attorney and other such employees as it may deem necessary and shall prescribe and define their duties. The clerk shall keep a complete record of the proceedings of the Commission and shall file the same with the Town Clerk. All such records shall be open for public inspection at reasonable hours. Meetings of the Commission may be called by the Chairman or any two (2) members upon twenty-four (24) hours notice thereof.

**B. Designation of the Water Pollution Control Authority.** The Commission is designated as the Water Pollution Control Authority for the Town of Winchester. It shall exercise all powers accorded to Water Pollution Control Authorities by the Connecticut General Statutes, including the establishment of sewer rates.

**C. Designation of Water Commission.** The Commission is designated as the water commission to the Town of Winchester and shall exercise all powers as set forth in Article XIV of the Charter, including the establishment of water rates.

**D. Finances.** The accounts for the Winchester Water District and the Water Pollution Control Authority shall be maintained separately. The Commission shall maintain proper accounting and financial records and shall make an annual report to the Selectmen. The Commission shall prepare annually a budget of the estimated revenues and expenditures for the ensuing fiscal year.

#### **Section 606. WINCHESTER HOUSING AUTHORITY**

The Commissioners of the Housing Authority of the Town of Winchester shall be appointed by the Board of Selectmen according to the provisions of the Connecticut General Statutes.

#### **Section 607. PLANNING AND ZONING COMMISSION**

A. There shall be established a Planning and Zoning Commission of the Town of Winchester. The Commission shall consist of five (5) regular members and three (3) alternate members, who shall be electors of the Town of Winchester and who shall hold no salaried municipal office and who shall not be a member of the Town of Winchester Zoning Board of Appeals. The First Selectman and the Superintendent of Public Works shall be ex-officio members of the Commission. Both regular and alternate members of the Commission shall be appointed by the Board of Selectmen. All members shall each serve for terms of five (5) years, the regular and alternate members shall be appointed so that no more than one (1) regular term and one (1) alternate term shall expire in any one year. Members serving as of the effective date of this Charter shall continue to serve the remainder of their existing term.

**B. Officers and Powers of Planning and Zoning Commission.** Said Commission shall annually elect a

chairman and a secretary, shall adopt rules for the transaction of business, and shall keep a public record of its activities. Said Commission shall have all powers accorded to Planning Commissions and Zoning Commissions by the Connecticut General Statutes. Members shall serve without compensation. All zoning ordinances in effect on the effective date of this Charter not inconsistent with the provisions of this Charter shall continue in full force and effect until modified, repealed or superseded by said Commission.

#### **Section 608. FIRE DEPARTMENT**

The Board of Selectmen shall organize and regulate a volunteer fire department and provide for the enlistment of fire companies, and for the equipment, regulation and control of fire companies. Regulations may include provisions concerning all personnel matters and may provide that the authority for administering such matters be delegated by the Board of Selectmen to a person or persons within the Fire Department. The Board of Selectmen shall, solely on the recommendation of the members of the Fire Department, appoint a Chief of the Fire Department, who shall have charge of all engine houses, engines, hoses, tools and implements of every kind and character used for the purpose of extinguishing fires. Subordinate officers shall be chosen in accordance with fire department bylaws.

#### **Section 609. INLAND WETLANDS AND WATER COURSES AGENCY**

There shall be an Inland Wetlands and Water Courses Agency composed of nine (9) members who shall be drawn from electors at large, and who shall be appointed by the Board of Selectmen. Terms of office shall be of three (3) years and members shall be appointed so that the terms for three (3) members shall expire at the end of each year.

In addition, the First Selectman, the Superintendent of Public Works, the Health Officer, and the Town Manager shall be ex-officio members of the Agency. The Agency shall have all the power and responsibilities as set forth in Section 22A-42 of the Connecticut General Statutes, as may be amended from time to time. Members shall serve without compensation.

### **ARTICLE VII OFFICERS AND ADMINISTRATIVE DEPARTMENTS UNDER THE TOWN MANAGER**

#### **Section 701. JURISDICTION AND DUTIES**

The Board of Selectmen may, by ordinance, prescribe, alter or amend the jurisdiction and duties of any department provided for by this Article.

#### **Section 702. EXECUTIVES OF DEPARTMENTS**

Each department, set forth in this Article, shall be administered by an executive head under the direction and control of the Town Manager, and subject to the rules and ordinances of said Town. Such heads of departments shall be appointed by and shall hold office at the pleasure of the Town Manager, except as otherwise provided by this Charter.

#### **Section 703. DEPARTMENT OF PUBLIC WORKS**

**A. Jurisdiction.** The Department of Public Works shall have supervision and control of the maintenance of all Town-owned land and structures, and of the planning, surveying, constructing and reconstructing, altering, paving, repairing,

maintaining, cleaning, lighting, and inspection of highways, sidewalks, curbs, sewers, sewage disposal, public and private drains, waste treatment facilities, other public improvements and Town buildings; and the preservation, care and removal of trees within highway or public places and all engineering work of the Town. It shall also have supervision and control of all parks and grounds used for park purposes belonging to the Town, cemeteries, and of buildings, structures, apparatus and equipment use in connection therewith; shall have all powers and perform all the duties imposed on tree wardens by the General Statutes; and shall have such other powers and duties as the Selectmen may prescribe. Any provisions of this section to the contrary notwithstanding, the Department of Public Works may maintain and care for school buildings and grounds, but only if and to the extent and for the period requested by the Board of Education and approved by the Board of Selectmen, provided the costs are charged against the Board of Education's appropriations.

The Department of Public Works may maintain and care for such land and structures designated by the Board of Selectmen to be under the control of the Recreation Board or the Fire Department, only and to the extent and for the period requested by the Recreation Board and/or the Fire Department and approved by the Board of Selectmen.

- B. Director, Powers and Duties.** The Town Manager shall appoint and may remove a Director of Public Works who shall be responsible for the efficiency, discipline, and good conduct of the Department and who, in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in Article XII of this Charter, shall appoint and may remove such deputies, assistance and employees as he may deem necessary and shall prescribe their duties. He shall exercise his powers and discharge his duties under the supervision of the Town Manager. He shall organize the work of the Department in such manner as he shall deem most economical and efficient.

#### **Section 704. DEPARTMENT OF SOCIAL SERVICES**

- A. Jurisdiction.** The Department of Social Services shall have all the powers and duties vested by law in the Board of Selectmen, relating to poor, handicapped and dependent persons.
- B. Director, Powers and Duties.** The Town Manager shall appoint and may remove a Director of Social Services who shall be responsible for the efficiency, discipline, and good conduct of the Department and who shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Article XII of this Charter, all other officers and employees of the Department.

#### **Section 705. POLICE DEPARTMENT**

- A. Jurisdiction.** The Police Department 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 Department 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. All powers and duties imposed by law on constables are vested in the Police Department. The duties of the Canine Control officer, as provided in the General Statutes, shall be assumed by the Police Department.

- B. Chief, Powers and Duties.** The Town Manager shall appoint and may remove a Chief of Police who shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Article XII of this Charter, all other officers and employees of the Police Department. The Chief of Police shall assign all members of the Department to their respective posts, shifts, details, and duties. He shall make rules and regulations concerning the operation of the Department and the conduct of all officers and employees, thereof. 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, rules and regulations of the Chief shall be grounds for dismissal or other appropriate disciplinary action.

#### **Section 706. HEALTH DEPARTMENT**

All powers concerning municipal health authorities may be exercised as set forth in the Connecticut General Statutes. This provision shall not restrict the Board of Selectmen from contracting with any government agency for the provision of municipal health services, as so allowed under the provisions of chapter 368e of the General Statutes.

#### **Section 707. BUILDING OFFICIAL**

The Town Manager shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Article XII of this Charter, and the State Statutes, a Building Official who may be the Enforcement and Zoning Officer for the Planning and Zoning Commission, and perform such other duties as may be prescribed by the Board of Selectmen, State Statutes, or the Town Manager.

#### **Section 708. FIRE MARSHAL**

The Town Manager shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Article XII of this Charter, and the State Statutes, a Fire Marshal who shall perform such duties as may be prescribed by the State Statutes, the Board of Selectmen, or the Town Manager.

The Town Manager may also, with approval of the Board, appoint one or more deputy fire marshals who shall have all the powers and duties accorded them by the Connecticut General Statutes.

#### **Section 709. RECREATION DIRECTOR**

The Town Manager shall appoint with the advice and consent of the Recreation Board and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Article XII of this Charter and the State Statutes, a Recreation Director who shall plan, develop and supervise town recreation programs, including athletic fields, playgrounds, swimming facilities and town-wide recreational events. The director shall work under administrative direction of the Town Manager and policy direction of the Recreation Board.

## **Section 710. SENIOR CITIZEN DIRECTOR**

The Town Manager shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Article XII of this Charter, and the State Statutes, a Senior Citizen Director who shall also be the Town's agent for and be responsible for all phases of management of the Senior Center and senior citizen activities in a comprehensive program to promote the social, economic and emotional well-being of older persons. General policy direction may also be supplied by the Senior Citizens Commission.

## **ARTICLE VIII SALARIES**

### **Section 801. SALARIES**

Salaries of all Directors and other employees of the classified service of the Town shall be determined by the Board of Selectmen, in conformity with a systematic pay plan for the positions involved, upon recommendation of the Town Manager, providing nothing herein shall be construed to limit the power of the Board of Education to fix the compensation of employees of the school system. The Town Clerk shall receive a salary in lieu of all fees, and such salary shall be determined by the Board of Selectmen.

## **ARTICLE IX DEPARTMENT OF FINANCE APPROPRIATION**

### **Section 901. DEPARTMENT OF FINANCE, DIRECTOR**

There shall be a Department of Finance which shall be responsible for the keeping of accounts and financial records, the head of which shall be the Director of Finance, who shall be appointed by and serve at the pleasure of the Town Manager. The Director of Finance shall have knowledge of municipal accounting and shall have experience in budgeting and financial control. Subject to the approval of the Town Manager, the Director of Finance may perform the duties of any office under his supervision except that of Treasurer and may consolidate one or more such offices under one person, provided the Town Treasurer shall not be the Tax Collector or the Purchasing Agent.

### **Section 902. DIRECTOR OF FINANCE, DUTIES**

The Director of Finance shall have charge of the administration of the financial affairs of the Town and to that end shall —

- A. Compile the current expense estimates for the budget for the Manager;
- B. Compile the capital estimates for the budget for the Manager;
- C. Be an active participant in the planning, preparation and supervision of the budget in conjunction with the Manager;
- D. Supervise the disbursement of all monies and control over all expenditures to insure that budget appropriations are not exceeded;
- E. Maintain a general accounting system for the Town and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the Town Budget; require reports of receipts and disbursements from each receiving and spending agency of the Town to be made at such intervals as he may deem expedient;

- F. Submit to the Board of Selectmen and the Manager, a monthly statement of all receipts and disbursements in sufficient detail to show exact financial condition of the Town;
- G. Have prepared for the Manager, as of the end of each fiscal year, a complete, audited financial statement and report;
- H. Supervise and be responsible for all special assessments for the Town as may be required by State Statute or local ordinance;
- I. Receive all special assessments, license fees and other revenues of the Town, except tax revenue, or for whose collection the Town is responsible and receive all money receivable by the Town from the State or Federal government from any office, department or agency of the Town; and shall prescribe the time at which and the manner in which money received on account of the Town shall be paid to the Town Treasurer;
- J. Supervise all public funds belonging to or under the control of the Town or any office, department or agency of the Town and turn over all funds coming into his hands to the Town Treasurer;
- K. Supervise all investments and invested funds of the Town or in the Town's possession in a fiduciary capacity, and supervise the safekeeping of all bonds and notes, of the Town and the receipt and delivery of Town bonds and notes for transfer, registration or exchange in a manner directed by the Town Treasurer;
- L. Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the Town, except as specifically provided otherwise in this Charter;
- M. Approve all proposed expenditures, and unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made; and
- N. Purchase at the expense of the Town surety bonds for all officers and employees of the Town required by law or by ordinance to furnish bonds to the Town, and insurance of such types against liability, loss or damage on the part of the Town or its property as the Board of Selectmen, upon recommendation of the Manager, may authorize and be responsible for the collection of insurance benefits and other matters relating to the administration of the Town's insurance.
- O. Notwithstanding anything contained herein, upon the affirmative vote of the Board of Selectmen and the Board of Education, the finance director shall perform such duties in connection with the administration of the financial affairs of the Board of Education as may be determined and directed by the Board of Education, in addition to all other Town Finances.

### **Section 903. FINANCIAL OFFICERS**

The Finance Director shall, with approval of the Town Manager, appoint and remove the following financial officers who shall respectively have all the powers and duties conferred upon them by the Connecticut General Statutes, this Charter, and such other duties as may be assigned by the Board of Selectmen or by the Town Manager: *Tax Collector, Assessor, Treasurer, and Purchasing Agent*. The above officers shall be appointed in accordance with such rules and regulations as may be adopted

pursuant to the merit system provisions contained in Article XII of this Charter.

#### **Section 904. ACCOUNTING SUPERVISION AND CONTROL**

Unless otherwise prescribed by law, the Director of Finance shall:

- A. prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the Town;
- B. examine and approve all contracts, orders and other documents by which the town incurs financial obligations having previously ascertained that monies have been appropriated and will be available when the obligations shall become due and payable;
- C. audit and approve before payment all bills, invoices, payrolls and other evidence of claims, demands or charges against the Town and, with the advice of the Town Attorney, determine the regularity, legality and correctness of such claims, demands or charges;
- D. inspect and audit any accounts of record of financial transactions which may be maintained in any office, department or agency of the Town apart from or subsidiary to the accounts kept in his office; and
- E. draw all checks for the payment of approved claims which shall be valid only when countersigned by the Treasurer, except in the absence or inability to act of either the Director of Finance or Treasurer with respect to the above duty, the Town Manager may be authorized to substitute temporarily for either but not for both of them.

#### **Section 905. WHEN CONTRACTS AND EXPENDITURES PROHIBITED**

No individual, office, department, board, commission, or agency shall expend or contract any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money, for any purpose, in excess of the amounts appropriated therefore. Any contract, verbal or written, made in violation of this Charter shall be null and void. Any officer or employee of the Town who violates this section shall be fined such amount as shall be determined by the Board of Selectmen, by ordinance, and shall cease to hold his office or employment. Nothing contained in this section shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

#### **Section 906. APPROPRIATIONS LAPSE AT END OF YEAR**

Except for appropriations for capital improvements, or for departmental capital sinking funds, all appropriations whether financed from current revenues or from bond issues, shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Appropriations for capital improvements shall lapse only when the project for which the funds were appropriated has been completed, or "removed" by the Town acting by referendum.

#### **Section 907. FEES SHALL BE PAID TO THE TOWN**

All fees received by any officer or employee shall belong to the Town and shall be paid to the Department of Finance at such intervals as shall be determined by the Director of Finance.

#### **Section 908. PURCHASING AGENT, DUTIES**

The Purchasing Agent of the Town shall purchase all supplies, materials, equipment and other commodities required by any department, agency, board or commission of the town except the Board of Education, and Probate Court, on requisitions signed by the head of the department, office or agency, chairman of the board or commission, or a responsible representative appointed by him. Nothing herein contained shall be construed to prevent the Town Purchasing Agent from serving to the extent requested as the Purchasing Agent for the Board of Education, or Probate Court upon request of the Chairman of the Board or the Judge of such Court. Purchases shall be made under such rules and regulations as may be established by the Board of Selectmen.

The Purchasing Agent of the Town, pursuant to such rules and regulations as are established by ordinance shall contract for and purchase all supplies, materials, equipment, other commodities, and contractual services required by any department, office, agency, board or commission of the town except that he shall not purchase books, equipment and materials for instructional purposes for the use of the Board of Education unless specifically requested to do so by said Board. He shall have the following powers and duties, in addition to such other powers and duties as may be delegated to him by ordinance:

- A. To establish, with the approval of the Finance Director and after consultation with the heads of the departments concerned, and enforce standard specifications for all supplies, materials and equipment required by the several departments, offices and agencies of the Town, except as to the purchases for the Board of Education exempted above;
- B. To prescribe the time of making requisitions from such supplies, materials and equipment and the future period which said requisitions are to cover;
- C. To inspect all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications;
- D. To supervise and monitor such storerooms as the Board of Selectmen may provide by ordinance to serve the several departments, offices and agencies;
- E. with the approval of the Manager and Finance Director, and as allowed by law, to transfer or sell to or between departments, offices and agencies supplies, materials and equipment, determined after consultation with the head of the department, office or agency concerned, to be surplus, obsolete or unused; and
- F. To maintain an inventory of all moveable equipment belonging to the town.

#### **Section 909. ACCOUNTING CONTROL OF PURCHASES**

All purchases made and contracts executed by the Purchasing Agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the Director of Finance certifies that there is to the credit of such office, department, or agency a sufficient



unencumbered appropriation for which the contract or order is to be issued.

#### **Section 910. PAYMENT OF CLAIMS**

No voucher, claim or charge against the Town shall be paid until the same has been audited by the Director of Finance or his agent, and approved by him for correctness and legality. Checks shall be drawn by the Director of Finance for the payment of approved claims which shall be valid only when countersigned by the Treasurer. In the absence or inability to act of either the Director of Finance or Treasurer with respect to the above duty, the Manager may be authorized to substitute temporarily for either, but not both of them.

#### **Section 911. COMPETITIVE BIDDING**

If any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of three one hundredths of one percent (0.03%) or more of "Total Expenditures" in the latest approved town budget, the Purchasing Agent, unless it shall be determined by the Board of Selectmen to be against the best interest of the town, shall invite sealed bids or proposals giving ten (10) days public notice thereof by publication on the Town's website. The notice shall be simultaneously filed with the Town Clerk who shall make the notice available for public inspection. All such sealed bids or proposals shall be opened publicly. The Purchasing Agent may in his sole discretion waive any informalities, divide the award, accept any bonafide bid seemed in the best interest of the town, regardless of cost, or reject all bids.

#### **Section 912. EMERGENCY APPROPRIATIONS**

Emergency Appropriations not exceeding Five Hundred Thousand Dollars (\$500,000.00) in any one fiscal year may be made upon the recommendation of the Manager and by a vote of not less than five (5) members of the Board of Selectmen for the purpose of meeting a public emergency threatening the lives, health or property of citizens, provided a public hearing, at which any elector or taxpayer of the Town shall have an opportunity to be heard, shall be held prior to making such appropriation, notice of such hearing shall be given on the Town's website not more than ten (10) nor less than three (3) days prior to such hearing. The notice shall be simultaneously filed with the Town Clerk who shall make the notice available for public inspection. Such hearing and notice of hearing may be waived if the Board of Selectmen, by unanimous vote of its members, shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens. In the absence of an available unappropriated and unencumbered general fund cash balance to meet such appropriation, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Charter, as may be determined by the Board of Selectmen.

#### **Section 913. BORROWING TO MEET EMERGENCY APPROPRIATIONS**

In the absence of unappropriated available funds to meet emergency appropriations under the provisions of Section 912 of this Charter, the Board of Selectmen may by resolution, upon recommendation of the Town Manager, authorize upon the full faith and credit of the town, the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed

from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made, and the town shall levy sufficient taxes to pay the principal and interest thereon.

#### **Section 914. INTRA-DEPARTMENTAL TRANSFER OR APPROPRIATIONS**

When any department, commission, board or officer shall desire to secure a transfer of funds in its or his appropriation from funds set apart for one specific purpose to another, before incurring any expenditure therefore, such department, commission, board or officers shall make application to the Town Manager, whose duty it shall be to examine the matter, and upon approval of the Board of Selectmen such transfer may be made. But not otherwise.

Notwithstanding the above, no transfer shall be made from any appropriations for an uncompleted capital improvement or from a departmental capital sinking fund without approval from the Town acting by referendum.

#### **Section 915. INTER-DEPARTMENTAL TRANSFER OF UNENCUMBERED APPROPRIATIONS**

Upon the request of the Manager, but only within the last three (3) months of the fiscal year, the Board of Selectmen may, by resolution, transfer any unencumbered appropriation, balance or portion thereof, from one department, commission, board or office to another. No transfer shall be made from any appropriations for debt service and other statutory charges. Notwithstanding the above, no transfer shall be made from any appropriation for an uncompleted capital improvement or from a department capital sinking fund without approval of the Town acting by referendum.

#### **Section 916. ADDITIONAL APPROPRIATIONS**

Additional appropriations over and above the total budget may be made from time to time by resolution of the Board of Selectmen, upon recommendation of the Manager and certification from the Director of Finance that there is available an unappropriated and unencumbered general fund cash balance to meet such appropriations. Additional appropriations to be funded by borrowing may be made only by the town acting by referendum upon both such appropriations and the means of funding it in the manner herein provided.

#### **Section 917. FISCAL YEAR**

The Board of Selectmen shall have power to adjust the fiscal year of the Town to coincide with the tax year or to adjust either or both to the end that they may coincide.

#### **Section 918. ANNUAL AUDIT**

The Board of Selectmen shall annually designate an independent public accountant or firm of independent accountants to audit the books and accounts of the Town as provided in the General Statutes of the State of Connecticut.

#### **Section 919. CONTRACTING FOR COLLECTION OF TAXES**

If permitted by Special Act or by the Connecticut General Statutes, the Board of Selectmen may contract to have all powers and duties conferred upon the Tax Collector by the Connecticut General Statutes assigned to a private individual or firm. Such

assignment shall be upon terms and conditions as determined by the Board of Selectmen with consent of the Town Manager.

## **ARTICLE X INDEBTEDNESS**

### **Section 1001.**

The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes of the State of Connecticut subject to the limitations thereof and the provisions of this Section. The issuance of bonds and notes shall be authorized by a resolution of the Board of Selectmen, which resolution shall be approved by a referendum vote or by a majority vote at the Annual Town Budget Meeting, except as provided in Section 913.

## **ARTICLE XI ANNUAL TOWN BUDGET**

### **Section 1101. POWER TO ADOPT BUDGET**

Electors of the Town, acting at the Annual Town Budget Meeting and referendum, shall have the sole power to amend and adopt the annual budget of the Town of Winchester as set forth in this Article.

### **Section 1102. ANNUAL BUDGET MEETING**

- A. The Annual Town Budget Meeting shall be held on the second Monday in May at 7 p.m., which shall be adjourned from time to time until the annual budget is adopted.
- B. Prior to adjournment to budget referendum, the electors at the Annual Town Budget Meeting shall review the budget as presented by the Board of Selectmen and the electors shall have the power to amend, but not increase, any line item of the budget. Voting on line items shall be by machine or confidential ballot.
- C. The Annual Town Budget Meeting shall be adjourned to an 8 a.m. to 8 p.m. referendum to be held on a date not less than fourteen (14) days and not more than twenty-one (21) days following the Annual Town Budget Meeting.

### **Section 1103. GENERAL FORM OF BUDGET PRESENTATION**

The Manager shall require each department, office or agency of the Town supported wholly or in part by Town funds, or for which a specific Town appropriation is made, to set forth, in narrative or such other form as the Manager may prescribe, a program or programs showing services, activities and work accomplished during the current fiscal year. Said program shall also show the number of positions for each job classification authorized and positions actually filled during the current fiscal year and to be authorized and filled during the new fiscal year.

### **Section 1104. DUTIES OF THE BOARD OF EDUCATION**

The Chairman of the Board of Education shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education as provided in this Charter for departmental estimates. The Chairman of the Board of Education shall also set forth the pupil enrollment at each

school during the current fiscal year and the projected pupil enrollment during the new fiscal year, and he shall itemize his revised estimates of expenditures for the current fiscal year and his proposed expenditures for the new fiscal year for each individual school. Those expenditures which cannot be so allocated shall be set forth separately by category.

### **Section 1105. DEPARTMENTAL ESTIMATES**

The Manager shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the Town, except for the Chairman of the Board of Education shall, on or before the first day of March each year, file with the Manager on forms prescribed and provided by him a detailed estimate of the expenditures to be made by his Department or Agency and the revenue, other than tax revenues, to be collected thereby in the current fiscal year, and such other information as may be required by the Board or the Manager. The Chairman of the Board of Education shall, on or before the fifteenth day of March each year submit its departmental estimate in the manner set forth in this section.

### **Section 1106. DUTIES OF THE MANAGER ON THE BUDGET**

Not later than the fifteenth day of March each year, the Manager shall present to the Board of Selectmen 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, as revealed by the annual audit, and budget estimates of receipts for the current year as budgeted, and proposed estimates of receipts;
- C. Itemized estimates of expenditures, presenting in parallel columns, the actual expenditures for each department, office, agency, or activity, including the Board of Education, for the last completed fiscal year, as shown by the annual report, the adopted budget figures for the current fiscal year, the Manager's revised estimates for the current fiscal year, and the Manager's recommendations of the amount to be appropriated for the new fiscal year, for all items, and such other information as may be required by the Board of Selectmen. The estimates, as presented to the Board of Selectmen, shall be supported by such information relative to programs as described in Sections 1104 and 1105 of this Article. The Manager shall present reasons for all his recommendations, and in particular shall explain all significant changes from the revised estimate for the current year to his new year recommendations.
- 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 Commission, in accordance with Section 8-24 of the General Statutes, as amended, concerning municipal improvements, of proposed capital projects for the current 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 Board of Selectmen those projects to be undertaken during the current fiscal year, and the method of financing the same.

#### **Section 1107. DUTIES OF THE BOARD OF SELECTMEN**

The Board of Selectmen shall hold two (2) or more public hearings, including at least one (1) such hearing devoted exclusively to the budget of the Board of Education, which may, at the option of the Board of Education, be held jointly with the Board of Education within thirty (30) days of the receipt of the Manager's proposed budget at which any elector or taxpayer may have an opportunity to be heard regarding appropriations. Following the holding of such public hearings, the Board of Selectmen shall recommend a budget to the Annual Town Budget Meeting of the Town. Sufficient copies of said annual budget shall be made available for general distribution in the office of the Town Clerk and the Manager at least fifteen (15) days prior to said Annual Town Budget Meeting, and the Board of Selectmen shall cause to be published on the Town's website, a summary of the budget showing revenues by major sources and proposed expenditures by function or department, in the same columnar form as prescribed for budget estimates in Section 1106 of this Article, at least seven (7) days prior to said Annual Town Budget Meeting; and shall also show the amount to be raised by taxation. The Town Clerk will also have the Summary available for public inspection.

#### **Section 1108. ADOPTION OF BUDGET**

- A. The budget shall become effective when approved at the referendum by machine vote, following the Annual Town Budget Meeting as provided in Section 1102, and an official copy shall be filed with the Town Clerk. If the budget is not adopted at the referendum, the Annual Town Budget Meeting shall be rescheduled to a date, no less than fourteen (14) days nor more than twenty-one (21) days from the date of the referendum. At the resumption of the meeting, the Board of Selectmen shall submit an annual budget as set forth in this Article. This process shall be repeated until a budget is adopted.
- B. At any Annual Town Budget Meeting the Board of Selectmen shall present an estimate of the tax rate in mills that shall be levied on the taxable property in the town for the new fiscal year.
- C. In the event that the Annual Town Budget Meeting fails to adopt a budget, the town shall operate on a budget equal to that of the preceding fiscal year, until such time as the Annual Town Meeting at referendum shall approve a budget.

#### **Section 1109. AMOUNT TO BE RAISED BY TAXATION, TAX LEVY**

Upon adoption of the budget by town meeting, the Board of Selectmen shall fix the amount of revenues to be raised by taxation for town and school purposes combined, so as to preserve a balanced relation between receipts and expenditures including any estimated cash surplus or cash deficit from the current fiscal year. After the budget is adopted, the Board of Selectmen shall, as soon as practical, fix the rate of taxation on the last property grand list at a point sufficient in its judgment to produce such amount.

#### **Section 1110. EFFECT OF ADOPTION OF TOWN BUDGET**

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

### **ARTICLE XII THE MERIT SYSTEM**

#### **Section 1201. THE MERIT SYSTEM ESTABLISHED**

All officers and employees in the classified service of the Town, as described in Section 1202 below, shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

#### **Section 1202. 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 Board of Selectmen; employees of the Board of Education; members of the Parking Commission; persons employed in a professional capacity to make a temporary and special inquiry, study or investigation; the judges, clerks and other personnel of the Probate Court; 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 Board of Selectmen and which may be amended upon recommendation of the Manager, by resolution of the Board of Selectmen. 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 Board of Selectmen upon the recommendation of the Manager. The Manager shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals, and other such rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the town. Such rules and any amendments thereto shall become effective upon being 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 1203. POLITICAL ACTIVITY**

No person holding a position in the classified services of the Town shall be a candidate for elective municipal office in the Town of Winchester.

## **Section 1204. RETIREMENT OF MUNICIPAL EMPLOYEES**

The Board of Selectmen may provide by ordinance a system of retirement allowances for the Town's regular full-time paid employees and for contributions by employees and the Town to a fund from which such allowance shall be paid. The Town may operate its own retirement plan and in connection therewith may retain investment and actuarial assistance and may enter into an agency or trust agreement with any state bank and trust company or with any national banking association located in the State of Connecticut providing for the care, custody, and investment supervision of the retirement fund, and the charges therefor shall be paid from such fund; or 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 Employee's Retirement Fund in the manner provided in the General Statutes, or may elect to participate in the Old Age and Survivor Insurance System under Title II of the Federal Social Security Act in accordance with the provisions of Part II of Chapter 113 of the 1958 revisions, as amended, or may choose any combination thereof. The Board of Selectmen may by ordinance provide for compulsory retirement at an age to be determined.

## **ARTICLE XIII SIDEWALKS**

### **Section 1301. POWERS OF BOARD OF SELECTMEN**

The Board of Selectmen shall have the power to extend, alter, and widen highways in the Town for the purpose of locating, building, altering, and enlarging sidewalks on said highways, and to make and appropriate such land or property of adjoining proprietors as they may deem necessary for such purpose. They are empowered from time to time, as they shall judge proper, by themselves or a committee by them appointed, to designate, alter, fix, and establish the location, width, course, height, grade and level of all sidewalks, crosswalks, driveway entrances and curb lines in and upon the streets and highways of said Town, and to order the owners of land or buildings fronting upon highways or streets to make such walks on their several fronts according to the location, width, height, and grade designated as aforesaid; also to curb, flag, and pave the same such line, in such manner and place, and with such material as the Board of Selectmen or its committee shall direct, and to order such owners to provide and erect such railings or guards along the sidewalk in front of their premises as public safety may require; and to order any such proprietor to repair his sidewalks, curb, gutters, guard, driveway entrance or railing, when such repairs are necessary, within such time and in such manner as said Board of Selectmen or committee may designate and direct; and to designate what streets shall have sidewalks to be constructed on any such street; and to issue orders requiring the building of sidewalks, including the curbing thereof, and the care of the same; and to pass ordinances requiring the removal therefrom of ice, snow, rubbish, piles of lumber, and other obstructions and encumbrances, and compelling the occupants, persons in charge, or owners of lands or buildings to remove snow and

ice from the sidewalks and gutter in front of such lands or buildings; and to keep such sidewalks safe for public travel.

### **Section 1302. LIENS**

Whenever the Board of Selectmen shall lay out and order the building of sidewalks, curbing, driveway entrances or railings on any street or streets, or the repair of sidewalks, curbing, driveway entrances or railings already built, and any adjoining property owner shall neglect or refuse to build or repair such sidewalk, curbing, driveway entrance, or railing within the time required by such order, the Selectmen may grade and construct such walk or walks or may erect such curb railing, or repair any or all of the same, as the case may be, and assess the cost of the same, with the necessary costs of the proceedings, in whole or in part, upon the adjoining property or the owner thereof, and such assessment shall be a lien upon such property, to take precedence over all other liens or encumbrances, tax liens and other Town liens prior in date excepted, and shall remain a lien upon the property in favor of said Town until paid, and the payment thereof may be enforced by said Town in a civil action in the name of said Town, or by foreclosure, or by any other proper remedy, provided such lien shall not be good for a longer period than two months after such assessment or lien shall be made, unless a certificate in writing made and signed by the First Selectman or Town Clerk, describing the premises, the amount claimed as a lien, and the date of the order requiring the sidewalk, curbing, railing, or guard to be built or repaired, the date of the completion of the sidewalk, curbing, railing, or guard, or repairs made as aforesaid, and the date of the assessment thereof, shall be lodged with the Town Clerk for record, and all such liens shall bear interest from the date of the filing thereof at an annual rate set from time to time by the Board of Selectmen until paid, and whenever the claim secured by said lien is paid, with the interest and cost thereon, one of the officers aforesaid shall sign a certificate stating such claim has been paid, and lodge such certificate with the Town Clerk for record.

### **Section 1303. APPEALS**

Any person aggrieved by such assessment or by any order of the Board of Selectmen in relation thereto may appeal from such assessment or order in the manner and form as provided in Sections 7-141 to 7-143, inclusive, of the General Statutes.

### **Section 1304. MAINTENANCE OF SIDEWALKS**

Whenever the Board of Selectmen shall require by ordinance that the sidewalks shall be cleared of ice and snow, and the owners or occupants of adjoining property shall fail to clear the same within the time and in the manner required by such ordinance, the Director of Public Works or the Selectmen or the Town Manager or other proper officer or authority may cause such snow or ice to be removed, and the cost of such removal shall remain a lien upon the adjoining property and take precedence and be collected in the same manner as is provided herein for liens for neglect to build or repair sidewalks, curbing, driveway entrances, railings or guards.

### **Section 1305. MUNICIPAL EXEMPTION FROM LIABILITY**

Notwithstanding any provisions of this Charter or any General Statutes or Special Act, the Town of Winchester shall

not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided the Town shall be liable for its affirmative acts.

## **ARTICLE XIV WINSTED WATER DIVISION**

### **Section 1401. RIGHTS, POWERS AND DUTIES**

All rights, powers, and franchises granted by and required under the provisions of an Act authorizing the borough of Winsted to construct a water division, approved June 23, 1860, and Acts amendatory thereof and in force on the date this Charter takes effect are hereby vested in said Town of Winchester, and the Water and Sewer Commission of said Town shall have all the rights, powers, and duties that were vested in, and imposed upon, the Water Commissioners by the original provisions of the borough of Winsted; and all the provisions of said Act and subsequent Acts and Amendments pertaining to the Winsted Water Division in force on the date this Charter takes effect and not inconsistent herewith, are continued in force and made a part hereof.

### **Section 1402. MANAGEMENT OF WINSTED WATER DIVISION**

The Winsted Water Division shall be under the care and management of the Water and Sewer Commission, who shall have exclusive control and direction of said Water Division and of the laying, repairing, cleaning, and general care of the pipes, aqueducts, reservoirs, dams, hydrants, water tanks, and fountains, and all things connected therewith, and the establishing of the water rents, or scales of prices or terms upon which water shall be furnished, and the changing and revising thereof, and the regulation of the time of payment, which prices or rents, when so established, shall not be reduced below a fair and reasonable compensation for the use of said water, and said Water and Sewer Commission may require additional rents for use of water whenever extra quantities shall be used exceeding the quantity estimated for the same class of buildings, establishments, or trades in the scale of prices by it adopted. Said Water and Sewer Commission shall keep a register of all persons who use the water, and of the prices by them payable therefor, which shall at all reasonable times, be open for inspection by the inhabitants of said Town, and shall make out, or cause to be made out, all bills for water rents, and hand them over to the Tax Collector for the purpose of collection. Said Commission shall have the power to make such rules and regulations, and may amend and alter the same, concerning the use and taking of water, and the repairs of replacing the service pipe leading from the water main to the sidewalk. The present by-laws, ordinances, rules and regulations of the Winsted Water Division and the scale of prices for the use of water shall remain in full force and effect until amended or changed by said Commission.

### **Section 1403. FINANCES OF WINSTED WATER DIVISION**

All income arising from the operation of said Water Division, less the salary of the Superintendent of the Water Division,

and less the expense of operation, administration, maintenance, altering, and enlarging said Water Division, shall be applied to the payments of the principal and interest on any bonds or notes which may have been issued for the purpose of enlarging, improving, or extending such system, and the Water and Sewer Commission may at the close of each fiscal year, transfer any surplus monies from the operation of said Water Division system, over and above the amount of any outstanding liabilities, to the extent deemed advisable by them, to a reserve fund for the enlargement, improvement, or expansion, or extension of said system. Said accounts will be maintained separately from those of the Water Pollution Control Authority.

### **Section 1404. BONDING**

The Water and Sewer Commission may authorize the enlargement, improvement or extension of said water division system and make an appropriation therefor, and the Town of Winchester is authorized to issue bonds or notes for such purpose which are secured as to both principal and interest by a pledge of revenues to be derived from water rentals or charges and also by the full faith and credit of the Town. Said Water and Sewer Commission shall determine the aggregate principal amount of such notes or bonds to be issued and the form of such bonds or notes, their date, the dates of principal and interest payments, the manner of issuing such bonds or notes and by whom such bonds or notes shall be signed or countersigned, and all particulars thereof. Such bonds or notes shall be sold under the direction of the Water and Sewer Commission at public or private sale, and such Water and Sewer Commission shall determine the rate or rates of interest for such issues of notes or bonds. Said Water and Sewer Commission shall provide for a sinking fund from the previous net revenues of said system for the payment of any or all parts of such bonds or notes or interest thereon.

### **Section 1405. VANDALISM**

If any person shall maliciously or willfully divert or corrupt any water collected or conducted in or to any reservoir, cistern, hydrant, conductor, engine, pipe, or any portion of said Water Division, or destroy or injure any work, machinery, materials, or property erected, constructed, used or designed to be used in connection with said Water Division for the purpose of procuring or keeping a supply of water, he shall forfeit and pay to said Town of Winchester treble damages in any proper action brought by said Town; and such person may also be prosecuted criminally for such offense before any Court having jurisdiction.

### **Section 1406. LIENS**

Any claim of said Town for use of water shall be and remain a lien, until paid, on the house, tenement, or land within or in connection with which said water was used by the owner or occupant thereof, and all such liens shall take precedence and priority over all other liens and encumbrances on the property wherein the same is imposed except tax liens and liens of said Town prior in date, and any such lien may be foreclosed in the same manner as if it were a mortgage on said property in favor of said Town to secure the amount of such lien, provided no such lien shall continue to exist longer than one (1) year after the water rent shall become due and payable unless within that period, a certificate signed by the Chairman

for the Water and Sewer Commission or Tax Collector for Water Rents describing the property upon which the lien exists, and the amount claimed by said Town as a lien thereon, shall be lodged with the Town Clerk for a record, and all such liens shall bear interest from the expiration of one year after the date when the claim secured thereby shall become due at the rate of interest, as may from time to time be set by the Water and Sewer Commission, until fully paid, and whatever costs thereon, one of the officers aforesaid shall sign a certificate stating that said claim has been paid and lodge such certificate with the Town Clerk for record. Any claim for sale of water may be collected in a civil action for goods sold and delivered.

## **ARTICLE XV CODE OF ETHICS**

### **Section 1501. PERSONS SUBJECT**

All town officials, members of any board, commission or agency and employees of the Town of Winchester, elected or appointed, paid or unpaid, shall be subject to a Code of Ethics as established or amended pursuant to the provisions of this Charter.

### **Section 1502. EXISTING CODE OF ETHICS**

The ordinance comprising the Code of Ethics existing and in force as of the date of the adoption of this Charter shall remain in force and effect until amended or superseded by regulations adopted according to the provisions of this Charter, at which time such ordinances shall be considered to be repealed.

### **Section 1503. ETHICS COMMISSION**

All appointments to the Commission shall be for a term of three (3) years except initial appointments. Two initial appointments shall be each for terms of three (3) years; two each for terms of two (2) years and one for a term of one (1) year. Thereafter, terms shall be staggered so that no more than two (2) terms expire in any one year. No person shall serve more than two (2) consecutive terms. For individuals filling a vacancy, successive years of service will commence with the next appointment period. No individual while a member of the Ethics Commission shall —

- A. hold or campaign for any public office; or
  - B. hold office in any political party or political committee.
- No more than three commission members shall be members of the same political party.

### **Section 1504. ADOPTION OF REGULATIONS**

- A. The Ethics Commission shall adopt rules of procedure, orders, codes, and regulations, including penalties, which it deems necessary to carry out the intent of Section 7-479 of the General Statutes and this Article. All such rules, orders and regulations and amendments thereto, and all proceedings of the Commission shall be filed in the office of the Town Clerk and be available for public inspection.
- B. Before the enactment, amendment or repeal of any rules of procedure, orders, codes or regulations, including penalties, the Ethics Commission shall cause to be published on the Town's website a notice setting forth the subject matter of the proposed enactment, amendment or

repealed matter. Said notice shall be published no less than fourteen (14) days before such action is taken. The notice shall be simultaneously filed with the Town Clerk who shall make the notice available for public inspection. After the Ethics Commission has enacted, amended, or repealed any such rules of procedures, orders, codes, or regulations, including penalties, said change shall become effective fifteen (15) days after the entire text of the same shall have been published on the Town's website. The notice shall be simultaneously filed with the Town Clerk who shall make the notice available for public inspection.

## **Section 1505. INVESTIGATIONS**

The Ethics Commission shall have the power to investigate the official conduct of any department or agency of the Town or of any town office, member of any board, commission, agency or employee thereof according to the rules of procedure and regulations established by the Ethics Commission.

## **ARTICLE XVI REMOVALS**

### **Section 1601.**

Any appointive officer or employee or appointive member of a board or commission may, except as otherwise provided in this Charter or the Connecticut General Statutes, be removed by the authority which appointed him provided he shall first be given notice in writing of the specific grounds of his removal and an opportunity to be heard in his own defense, personally or by counsel, at a public or private hearing before the Board of Selectmen. Said hearing will be held not less than five (5) nor more than twenty (20) days after such notice. Pending such hearing, he may be suspended by the appointing authority. Compensation, if any, shall be continued during the period of suspension for thirty (30) days from the date of suspension, whichever is longer. There shall be no appeal from the decision of the Board of Selectmen. The Board of Selectmen, after such hearing, shall affirm, reverse or modify the action of the appointing authority.

## **ARTICLE XVII TRANSITION AND MISCELLANEOUS PROVISIONS**

### **Section 1701. PRESENT EMPLOYEES TO RETAIN POSITIONS**

All persons holding permanent positions in the Service of the Town, on the effective date of this Charter, whose positions are included in the classified service by the terms of this Charter, shall remain members of the classified service and retain such positions until promoted, transferred, reduced or removed in accordance with the provisions of this Charter. All other employees of the Town on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Board of Selectmen or the appropriate officer, charged by this Charter with powers of appointment and removal. Any provision of law in force at the time when this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removals, pension and

retirement rights, civil rights or any other rights or privileges of employees of the town or any office, department or agency thereof, shall continue in effect.

#### **Section 1702. TRANSFER OF RECORDS AND PROPERTY**

All records, property and equipment whatsoever of any commission, board, department or office or a part thereof, all the powers and duties of which are assigned to any 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 office to which such powers and duties are so assigned.

#### **Section 1703. CONTRIBUTIONS**

No contribution by the Town of more than five hundred dollars (\$500.00) shall be made to any organization or private corporation unless the Town is represented on its board by one or more members nominated thereto by the Board of Selectmen.

#### **Section 1704. 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 effected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, 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 1705. EXISTING LAWS AND ORDINANCES**

All general laws in their application to the Town and all ordinances and by-laws of the Town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. All Special Acts or parts of Special Acts relating to the Town of Winchester, inconsistent with the provisions of this Charter are repealed.

#### **Section 1706. AMENDMENT OF CHARTER**

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

#### **Section 1707. 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 a section or part of section is held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

#### **Section 1708. DEFINITIONS OF VOTERS AND ELECTORS**

As used in this Charter an "Elector" means any person who is an Elector of the Town or a property owner of the age of eighteen (18) years or more, who, jointly or severally, is liable to the Town for taxes assessed against him on an assessment of not less than one thousand dollars on the last completed Grand List, or who would be so liable if not entitled to a statutory exemption.

#### **Section 1709. REFERENDUM ON APPROVAL OF THE CHARTER**

This Charter was submitted to the Electors of the Town of Winchester and Adopted on April 23, 1960, becoming effective on October 2, 1961.